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# THE PENNSYLVANIA CITIZEN

BY

L. S. SHIMMELL

EDITOR OF THE SCHOOL GAZETTE

TEACHER OF CIVIL GOVERNMENT, HIGH SCHOOL, HARRISBURG, PA.

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"None love their country but who love their home;  
For freedom can alone with those abide  
Who wear the golden chain with honest pride,  
Of love and duty at their own fireside."

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## THE PREFACE.

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Much is said about teaching patriotism in the schools, and laudable efforts are made to inculcate patriotic sentiment in the minds of the pupils: flags float from the tops of our school-houses, patriotic songs resound within their walls, inspiring oratory is declaimed from their platforms, and the story of our national life is rehearsed in their class-rooms. But much of all this is mere sentiment, which alone will not suffice. Principles of action should be developed. The active duties of private and public life should be taught. Boys and girls should be trained in the art of American citizenship. Such training will make useful citizens, and a useful citizen is a true patriot.

The exercise of citizenship—like charity—begins at home. It is illogical and impractical to train a boy in the duties of a President or a Congressman and not in the duties of a voter, a juryman and a local officer. The Constitution of the United States should be taught, but not, as has been the practice in the past, to the exclusion of local and State government. Boys and girls will take an active interest in those duties of citizenship that pertain to the immediate welfare of their homes and friends, and in them they should be first instructed. The love of home and friends can thereby be developed into that broader love of country and fellow-citizens. This principle has guided the author in the preparation of this work. He has sought to emphasize local government, because it is so vitally related to national government.

As to the contents, the author desires to call attention to the fact that in the first chapter, he has endeavored to explain the relation of the various governments under which the people of Pennsylvania, as well as those of the other States in the Union, live. He deems a knowledge of that relation very essential to citizenship and to its faithful and intelligent performance. In the second chapter is found a brief history of the government of Pennsylvania since the time when it was formed

by William Penn. A knowledge of its origin and growth, and of its administration through more than two centuries, will beget a reverence for the Constitution and the laws under which we now live, that is very much needed by the youth of our day. The chapters on the State and its sub-divisions are largely drawn from the Constitution and the statutes.

Chapter VII shows to what laws and authority of the United States government the citizens of a State are directly subject. A knowledge of the United States courts in the State, their jurisdiction and administration, of the postal system, of the internal revenue system, etc., is very important to the mutual welfare of the State and the Nation, as well as to the complete welfare of the citizen.

Chapter VIII contains the capstone of the structure of American citizenship, and a knowledge of its contents is therefore an essential element of citizenship in Pennsylvania. It presents all the leading features of the Constitution of the United States in an analytic form, together with numerous statutory provisions and historical illustrations.

The last chapter, under the caption of "Common Things not Commonly Understood," contains matter explanatory of terms used in the book, as well as a large amount of other information pertaining to government. Being concisely stated and alphabetically arranged, the contents of the chapter will be found very useful.

L. S. SHIMMELL.

HARRISBURG, PA., }  
June 12, 1895. }

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**INDEPENDENCE HALL.**

# THE PENNSYLVANIA CITIZEN.

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## CHAPTER I.

### THE PLAN OF THE GOVERNMENT OF PENNSYLVANIA.

**An Illustration of the Plan.**—The plan of the government of Pennsylvania, and this, in general, is the plan of the other States in the Union, may be illustrated thus, though it must be remembered that illustrations seldom apply in every particular: Take a plain surface and cut out of it a map of Pennsylvania; lay it down and think of its whole surface as State. Then lay upon the State, the counties (two thicknesses will now exist), and think that the county is to exercise in a more localized and extensive way State functions within each county's limits. Go over the State again (three thicknesses now), this time with the patchwork of townships, and think that the township is for a like purpose as the county, but more extended in the home affairs of the people—more localized. On top of the layer of townships, lay the school districts, which have a special school function, more localized in the case of wards and independent districts than the function of the township. Lastly, put patches of cities and boroughs where they belong. Cities and boroughs, though they may be regarded simply as townships in which the people are massed together, must have certain local powers from the State that are not needed by the township.

In this illustration, the State places most of its functions in the layer next to it. Where a county is, there the county acts for the State—under the patch there is little active function, though a great deal of latent power. As the township is organized—a patch laid upon the

county—the State function as exercised by the county is extended and transferred to township control within the limits of the laws and the constitution of the State. So it is with each patch upon the other. When a new one is put on, it is for a purpose, and the organ below no longer exercises for the State all the functions that it did before. It is in this way that the State accomplishes its work of a government by the people and for the people.

**Degrees of Local Powers.**—In New England the township (called “town” there) has very large powers of local government. The county has little to do with the local affairs of a township. In the Middle and Western States, it is more under the rule of the county; while in the Southern States it has few separate powers, being a mere geographic division—a voting precinct.

**Origin of Local Government.**—Local government, with its various degrees of power in different parts of the Union, had its origin partly in the form of government under which the settlers had lived, and partly in the early conditions of life in America. The settlers of New England came from towns; and the nature of New England soil made it necessary there for them to live in towns. Farming could not be carried on extensively, because the land was too poor. They built their houses close together and farmed the surrounding land in common. But whenever a number of people live close together, laws must be made to preserve personal rights and enforce personal duties. So every year the voters of such a town (remember *town* means the town proper and all the country round about) came together and made laws for its government. Thus originated the New England town government, with its large share of independence from the county.

In the South, the settlers were country gentlemen, who in England had been accustomed to the county government. These likewise found the nature of their adopted country best suited to the form of local government under which they had lived ; namely, that of the county. Agriculture being the main pursuit, they lived widely scattered on large plantations ; and the towns were few and at great distances apart. The county, therefore, became the unit of local government rather than the township, and to this day, as stated before, the township in the Southern States has fewer powers of local government than it has in any other part of the Union.

In the Middle States, the original population in its nationality was more mixed than either that of New England or of the South. The township here has neither the independence of the town in New England nor the dependence of the township in the South. Pennsylvania especially was settled by numerous nationalities. Several nations, the Swedes, the Hollanders, the English, the Germans, and soon after the Scotch-Irish, engaged in the first settlements. In religion the differences were still more numerous. The variety of people, religions, nations and languages was something wonderful.

There is no record of the formation of the first township. Penn had the right in his charter to erect towns and cities, and to lay out townships. The three original counties—Philadelphia, Chester and Bucks—were probably planned in England. The townships were laid out after the settlement had been made ; and their extent and their rights had to be adapted to all this Babel of tongues. Philadelphia and its suburbs from 1701 to 1854, when all were consolidated, furnish a good example of the formation of local governments in Pennsylvania. “Dis-



tricts," "boroughs" and "townships" arose and grew through those years, until there were twenty-eight of them, all separated from one another and all separated from Philadelphia; some near, others far off; some thickly inhabited, others sparsely, consisting entirely of farms. At the time of Penn's return to England, 1684, the province of Pennsylvania included twenty-two townships—each possessing a liberal share of freedom in the management of its own affairs.

**The Importance of the Township.**—The township is small, just as a brick or a stone is small compared with the structure of which it is a part. But without the brick or the stone, the building could not stand. So without the township, without this little self-governing community, our Republic can not endure. It was in the management of the affairs of the township that Penn's settlers learned the art of self-government, and acquired that love for independence which helped to give birth to the immortal document of July 4, 1776. To this day our Presidents, Governors, Congressmen, Legislators, Judges, learn their first lessons of republican government in their own communities. Washington was a public surveyor; Lincoln, a postmaster; Johnson, an alderman; Cleveland, a sheriff.

**The Character of Township Government.**—Since the township is so important to the State and the Nation, its management should be of a high character. If its people elect men to office who are dishonest, inefficient and immoral, the whole government—State and National—will suffer with it. Half-baked bricks and disintegrated stones in the foundation will cause the entire superstructure sooner or later to fall to the ground. The treasurer of a school district should be as honest as the

State treasurer ; the justice of the peace should have as good common sense as the judge of the supreme court ; the constable should be as fearless in the pursuit of law-breakers as the adjutant-general. The best citizens in a community, irrespective of party, creed or rank, should govern it ; otherwise it will be misgoverned.

**Our Debt to the Township.**—We owe the township a patriotic devotion—not a devotion simply to its “rocks and rills,” its “woods and templed hills,” but to its laws, its property and its public benefits. The protection which it gives to our lives and homes should gain our affection. We should be so devoted to it that we never steal another man’s horse or burn another man’s barn. We should be so public-spirited that, when we see a big stone in the road or a banana peel on the sidewalk, we remove it for the safety of others. We should take a part in everything pertaining to the township’s welfare ; for its welfare is our welfare. When a new school house is needed in a distant corner of the township we should advocate its erection as earnestly as we would if it were for our own children. In this way, by practicing the art of government in a small sphere within our reach, we become true patriots. We learn to love order and fairness and to demand our rights from others and to recognize our duties toward them. To know all this and to practice it is patriotism in the highest sense.

**A Township's Powers.**—A township in Pennsylvania is a corporation, and it can therefore sue and be sued. It can buy and sell, and borrow money for schools, roads, and other public purposes. It lays two taxes, the road tax and the school tax ; and in counties with no county poor house, it also lays a tax for the support of the poor. New townships can be formed by a majority of the voters

in the territory to be organized into a new township. Permission to take such a vote must be obtained from the court by the voters living in the proposed new township.

The statement that the township lays a school tax needs some qualification. Strictly speaking, it is not the township but the school district that lays the school tax and controls the public schools. Nearly everywhere in the State, the township and the school district are co-extensive, and therefore no distinction is commonly made between the two. But where an independent district exists, it is necessarily a part of a township or of more than one township. The only legislative body that a township has is the board of supervisors.

**The County.**—The county is a division of the State, and is composed of a number of townships; where boroughs and cities exist, these also are parts of the county. One county—Philadelphia—is composed entirely of the wards of a city. Everything that the county does through its officers must be authorized by the laws of the State. It may be termed the agent of the State to carry out the laws of the State in the territory which it covers. There are certain duties which are common to all the townships of a county; such as, the care of the poor, the settlement of disputes, the punishment of criminals, the protection of life and property, and others. These duties are performed by the county as the agent or organ of the State.

The three departments of government—legislative, executive and judicial—are not distinct in the local institutions created within the State except in cities and boroughs, where we have the council, the mayor or burgess, and the magistrate, alderman or justice. In the county, the board of commissioners has a few legislative powers; the executive functions are not all vested in one person;

the sheriff is the chief executive officer ; the courts are the judicial department.

**The State.**—The State is composed of counties ; but this is only an artificial division. The State is a unit, which can not be divided into two or more States, or joined to another State, “ without the consent of the legislatures of the States concerned, as well as of the Congress” of the United States. Certain interests are alike in every local division of the State. Laws for the safety of life and property are needed everywhere ; disturbances arise which require a trained soldiery to suppress ; business, banking, manufacturing, education, transportation, etc., must be regulated. All these general interests are directed by the State. The power which is required to direct these local affairs common to every community, is brought together in one place— at the State capital. It is centralized in the State government. This union of power is the State.

**The United States.**—The United States is a union of all the States into a nation. The States are held together by the Constitution, adopted in 1787, in Philadelphia. This instrument has its authority from the States which are united under it. But the people constitute the State. The Constitution of the United States is an agreement of the people in the Union that all the States shall be put under one government, which is called the National government. The preamble of the Constitution begins with—“ We, the People of the United States,” not with, “ We, the States of the United States.” The Union, therefore, is something in which every man, woman and child in this country has an interest. The best way to protect our interest in it is to work for good government at home.

The permanence of our great country depends on our home governments ; if we allow them to be mismanaged, the government at Washington will be affected by the misrule. Local government is the fountain ; if this is polluted with corruption, the stream which finally flows into the National capital will be laden with corruption. It rests with the voter in the township precinct whether our beloved country shall endure.

The object of this union of States is strength. The single fiber of a rope has little power of resistance ; but when all its fibers are twisted together, they can withstand much. A single State could not defend itself against a foreign power ; but as it is now, when one is attacked, all are ; and they all combine to resist the attack. If every State had the right to regulate foreign commerce and to erect custom-houses on its borders for the collection of taxes from the commerce of other States, strife and dispute would result. No doubt, if the Constitution had not been adopted and the Union formed, the American States would long ago have been broken up into as many different nations. We can give the object of the Union in no better way than it is given in the preamble of the Constitution, which says :

WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ANALYTICAL REVIEW.—What is the plan of the government of Pennsylvania? How is the power of the State localized and extended? What is the unit in our government? How are the township, borough and city related? Define function. What is a "town" in New England? Are townships of the same relative importance in different parts of the Union? How did the

units originate in different parts of the Union? What nationalities engaged in the first settlements? What effect would a mixture of nationalities naturally have on the formation of a government? Which were the three original counties? In what condition was Philadelphia before its consolidation? What place has the township in the structure of our government? What lessons are learned in the government of a township? What kind of men should rule a township? What do we owe to a township? Give illustrations of what we owe? What powers has a township? How are new ones formed? What is the relation of a township to the State? To the county? Has a county a legislative body? What are the artificial divisions of a State? The divisions of a county? Define the State? What is agreed to in the Constitution of the United States? On what does the permanence of our country depend? What is the object of the Union? Recite the preamble of the Constitution of the United States. Explain what "We," the first word of it, means.

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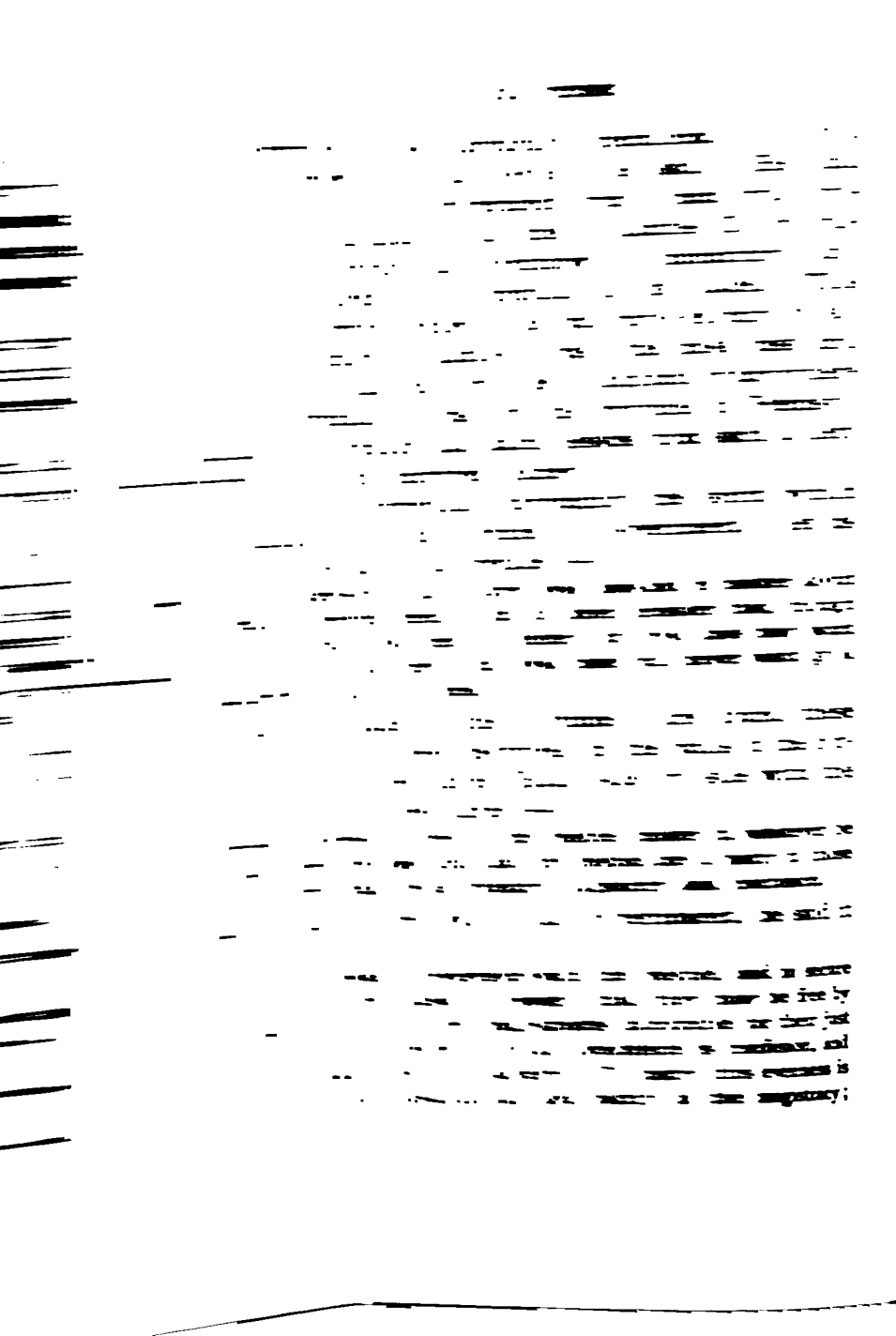
## CHAPTER II.

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### THE HISTORY OF THE GOVERNMENT OF PENNSYLVANIA.

**"The Frame of Government."**—What is known as the "Frame of Government," under which the Province of Pennsylvania was organized, was drawn up by William Penn, in England. He drew it up before the first company of colonists under his young friend, Mr. William Markham, the deputy governor, sailed for America, in April, 1681. This small party, which were to take possession of Penn's grant of land and prepare for his own coming the next year, all signed the "Frame of Government" before departing, and Penn himself signed it.

**The Spirit of the "Frame."**—The spirit of Penn's "Frame



where either of these fail, government will be subject to convulsion; but where both are wanting, it must be totally subverted; then where both meet, the government is like to endure. Which I humbly pray and hope God will please to make the lot of Pennsylvania."

**The Plan of the "Frame."**—In 1682, Penn had the "Frame of Government" published. It consisted of twenty-four articles and forty laws. The government was vested in the Governor and the Freemen of the Province. The Freemen were to elect a Provincial Council and a General Assembly; the former was to consist of seventy-two members; and the latter, of all the Freemen the first year, and the next of two hundred of them, the number to be increased as the population increased. The Governor or his Deputy was to be the perpetual President of the Provincial Council and was to have a treble vote.

**The Provincial Council.**—The duty of this body was (a) to originate bills, (b) to see that the laws were executed, (c) to take care of the peace and safety of the Province, (d) to settle the location of the ports, cities, market towns, roads, and other public places, (e) to inspect the public treasury, (f) to erect courts of justice, (g) to institute schools, and (h) to reward the authors of useful discovery.

**The General Assembly.**—This body had no power to legislate and no privilege to debate. The bills originated and passed by the Provincial Council were presented to the General Assembly for approval or rejection; and all that the members had power to do was to say a plain Yes or No. They could name persons for sheriffs and justices of the peace for the Governor to select from, being obliged to name twice as many as were to be appointed.

**Amendments to the "Frame."**—The "Frame of Govern-



ment" could not be amended without the consent of the Governor or his heirs or his assigns and six-sevenths of the Freemen in both the Provincial Council and the General Assembly.

**The First Assembly.**—The First General Assembly met at Chester, in 1682, shortly after Penn's arrival. They discussed, amended and accepted the "Frame of Government" and its accompanying laws. To the latter they added twenty-one others, so that there were then altogether sixty-one laws on the statute books of the Province of Pennsylvania. Though more than two hundred years have passed since, yet our great Commonwealth is still governed by the "Great Law" enacted at Chester, modified of course to some extent, but not greatly.

**Under the Crown of England.**—From 1693 to 1694, Pennsylvania was under the Crown of England. George Keith, a Scotch Quaker, caused a disturbance in Pennsylvania by asserting that the Friends' doctrine of non-resistance forbade its adherents from holding office. He was put out of church, and fined by the Quaker magistrates for insolence. He went to England, took orders in the Episcopal church, and charged the Quaker magistrates with disloyalty to the Church of England. Without good reason, Penn, too, was suspicioned of disloyalty; and the Government of the Province was taken from him and given to Governor Fletcher, of New York. Penn's "Frame of Government" was disregarded and the Assembly was modeled after that of New York. In the course of a year Penn was restored to favor, and he again became Governor of Pennsylvania, administering its affairs through his friend, Deputy Markham.

**Under Penn From 1694-1718.**—The Assembly called by

Markham, immediately after Penn's restoration, refused to act under the "Frame of Government," which had been set aside by Fletcher. A second Assembly did likewise, and Markham was obliged to agree to the formation of a new frame of government; but the one then drawn up did not meet with Penn's favor.

When Penn returned to America, in 1699, after an absence of fifteen years, he found his colonists rather unfriendly to him. Ruling them at so great a distance for so long a time had caused misunderstandings. He soon learned that he must give them a new form of government. The old "Frame" was abandoned and the "Charter of Privileges" given in its place. He signed it in 1701. This new document provided for a General Assembly with much greater powers: it gave the people the power to elect some of the county officers, and it extended liberty of conscience to the Roman Catholics. The "Charter of Privileges" indeed was the envy of neighboring colonies, so republican was it in its nature. Philadelphia, on the same day the "Charter" was signed, October 25, 1701, became an incorporated city, with the right to elect her officers; before, they had been appointed by the Governor. Through the liberality of Penn, therefore, Philadelphia is the oldest incorporated city in the United States.

**Under Penn's Heirs, 1718-1776.**—Like the sons of a rich man, Penn's heirs did not manage his estate so well as he had done. They were more interested in the revenue of the Province than in its welfare. After his death, 1718, they went to law among themselves about their inheritance. They also fought with the colonists about the taxes and rents; and the Governors were in almost endless quarrels with the General Assembly over legislation.

Concerning the veto power of these Governors, Dr. Franklin said :

"The negative of the Governor was constantly made use of to extort money. No law whatever could be passed without a private bargain with him. An increase of his salary or some donation was always made a condition ; till at last it became a regular practice to have orders in his favor on the treasury presented along with the bills to be signed, so that he might actually receive the former before he should sign the latter. When the Indians were scalping the Western people, the concurrence of the Governor in the means of self-defense could not be got till it was agreed that his estate should be exempted from taxation ; so that the people were to fight for the security of his property, whilst he was to bear no share of the burden."

Yet through all these years of strife, the people of Pennsylvania fared better than those of most of the other colonies, for their founder had given them a charter by which they could retain at least the form of their government intact. Unlike that of her sisters, Pennsylvania's history is not one of changes from one form of government to another. There are no chapters in it about a "Charter Oak," a "Royal Province," the "Duke of York," and "His Majesty's Town of New York." It is but due to say, however, that on one occasion, Franklin was sent to England to induce the King to take the Province of Pennsylvania as his own, so put out had the colonists become with the proprietary governors. They preferred to be an "appenance of the Crown rather than a fief of the Penns."

**Under Constitutional Government.**—After the colonies of America had declared themselves independent, July 4, 1776, it became necessary to organize State Governments. Accordingly, on the 28th of September, of that same year, the first State constitution was adopted ; and it went into effect at once without a ratification by the

people. The old Assembly had met for the last time on the 23d of September, to make one more feeble protest against the new order of things, but it soon died without a struggle. Penn's heirs were paid \$524,000 for their claims against the State. Then his words in the preface to the "Frame of Government,"—"I will put the power with the people,"—became a complete reality and Pennsylvania became a "government of the people, by the people, and for the people," which, it is hoped, shall be said of our State to the end of time.

**Provisions of the First Constitution.**—The General Assembly consisted of only one branch. Its members were elected yearly. Its acts were called the "Acts of Assembly"—a name still applied to our laws. The executive power was vested in a President, chosen annually by the Assembly and the Supreme Executive Council. The latter body was composed of twelve members elected for a term of three years and was advisory to the President. Another body was provided for,—the Council of Censors,—whose duty it was, at the end of every seven years, to see whether the constitution had not been violated. The forms of township and county government remained as Penn had instituted them in the "Frame of Government." Indeed, few changes have been made in local government to this day—showing that William Penn is worthy of his great name in history.

**Subsequent Constitutions.**—The second constitution was adopted in 1790. This created an upper and lower house in the Legislature, and made the Governor elective directly by the people. In these respects it was framed more after the Constitution of the United States. A third and fourth constitution were adopted respectively in 1838

and 1873. New constitutions become necessary to keep up with the progress of the times. Lord Macaulay once said that "the cause of all revolutions is that while nations move onward, constitutions stand still." There are numerous interests in our State now that did not exist a century ago; these all need the fostering care of the constitution. Nearly every year a new machine has to be connected with the main shaft, which propels the wheels of government. This year the agricultural bureau was established, a few years ago the banking department came into existence, and thus they multiply.

**The Seat of Government.**—Three cities have had the honor of being the seat of government,—Philadelphia, until 1799; Lancaster, from 1799 until 1812; and Harrisburg, from 1812 to the present time.

**ANALYTICAL REVIEW.**—What was the "Frame of Government"? Under whom did the first company of colonists come to Pennsylvania? When? What was it to do? What was the spirit of the "Frame"? Give the quotations. From whom had Penn taken lessons? What was the plan of the "Frame"? What duties were put upon the Provincial Council? What do you think of the ground which they covered? To what was the power of the General Assembly limited? Why do you think that body was thus limited? What is the difference between making amendments to the Constitution now and the way in which they were made to the "Frame"? Why should Penn's heirs, etc., have had anything to do with making amendments? When did the first General Assembly meet? and what did it do? Is the "Great Law" still in force? What disturbance put Pennsylvania under the Crown of England? What difficulties had Penn when he returned? How did he settle them? What greater powers were given to the people in the "Charter of Privileges"? What is said of Philadelphia as a city? How did the colonists fare under Penn's heirs? What did Franklin say of the Governors? Which colonies had more changes of government during the colonial times than Pennsylvania? What change was once proposed in Pennsylvania? What

is a constitutional government? What is a constitution? What are "Acts of Assembly"? What was the nature of the first Constitution? When and how was the change from colonial to constitutional government made? When were the subsequent constitutions adopted? How did their adoption differ from that of the first? What did Macaulay once say? What cities have been the capital?

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### CHAPTER III.

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#### LOCAL GOVERNMENT.

##### THE TOWNSHIP.

**The Justice of the Peace.**—This officer may be said to hold court on a small scale. He is judge of the law and the facts. His highest duty is that of peacemaker between his neighbors in the case of petty disputes and quarrels.

Suits in which the amount in dispute is not over \$300 may be brought before a justice; and where the amount involved is not over \$5.33, his decision is final, and no appeal can be taken to the Court of Common Pleas.

In the case of crimes the justice issues a warrant, upon proper complaint, for the arrest of the criminal. For minor offenses, after hearing the evidence, he imposes a fine, and in rare cases a short term in jail. For more serious offenses, he binds the person over to court, but releases him on bail until the time of trial. If the accused can not give satisfactory bail, or if the crime is not bailable, such as murder, he is sent to jail to await trial.

Other duties which can also be performed by a justice of the peace are administering oaths, acknowledging deeds and attesting the signatures of other documents,

performing the marriage ceremony, issuing search-warrants, etc. In the absence of the coroner, a justice may hold inquests.

The number of justices in a township is two, and the term of office is five years. They must be commissioned by the Governor; frequently in townships with little business, only one takes out his commission. The jurisdiction of a justice extends over the whole county, but he cannot go about the county holding court. He is paid in fees.

**The Notary Public.**—This officer protests notes, bills of exchange, etc., administers oaths, and takes depositions and affidavits. He also takes proofs and acknowledgments of instruments intended to be recorded. To give his acts authenticity, he places his seal upon them, which is judicially recognized all over the world.

The notary public is appointed by the Governor for a term of four years. His salary consists of fees fixed by law. There may be a notary public appointed in every place having a bank or savings institution. Before he can receive his commission, he must pay \$25 to the State Treasurer. Strictly speaking, this is a State office.

**The Constable.**—The constable is to preserve the peace of the community. If unable to suppress a disturbance himself, he may call upon the citizens to help him. He must make a full report to the court as to whether the laws have been faithfully carried out in his jurisdiction.

A common duty of a constable is to serve writs of summons and warrants as directed by a justice. A writ of summons is a notice in a civil case to a defendant to appear before a justice to answer a complaint. It must be served by reading it to the defendant or by leaving a copy with some adult member of the family, at his place of residence, at least four days before the hearing.

A warrant is an order for the arrest of one accused of a crime. When a warrant is placed in a constable's hands, he must arrest the accused and take him before a justice; and if the accused is committed to jail, the constable must take him there.

Notices and subpoenas, also, issued by a justice of the peace, and such as are issued by the court, may be served by the constable. He must put up posters of the township elections. With a search warrant he can search premises for stolen goods. He can sell a debtor's goods after judgment has been obtained before a justice of the peace. He can arrest vagrants. As a peace officer, he has the right to arrest without a warrant if he himself sees an offender breaking the law. Constables are also ex-officio fire, game and fish wardens in their townships.

The term of office is three years. He is paid by fees.

**The Assessors.**—Every three years a valuation must be put on all taxable property in the township. This is called the "triennial assessment." In the other two years, changes in the valuation must be made to include new buildings, additions, and other improvements in the value. Money on interest or invested in stocks, bonds, etc., must also be reported yearly. Voters owning no property must be assessed for their profession or occupation.

Other duties pertaining to this office are to prepare an annual list of all the voters of the township for the use of the election officers, to be present at all elections for the purpose of giving information regarding the right of any person to vote, and to report annually to the clerk of the orphans' court the births and deaths in the township.

Another duty of the assessors is to make a list of all children between the ages of six and twenty-one within the district, and to forward the same to the county com-



missioners, who shall send them to the secretaries of the school districts. Ten days' pay is allowed to make this list, which *may* be made by the attendance officer before February 1, by order of the school board and paid by them ; but another list of all children between six and sixteen *must* be made biennially by the assessors.

The number of assessors is one principal, and as many assistants as there are election precincts in the township. The former is elected for three years ; the latter are elected for one year. The chief duty of the principal is to make the assessment of all the taxable property, while that of the assistants relates to elections and the school enrollment. Assessors receive \$2.00 a day from the county, when actually engaged in their duties.

**The Supervisors.**—The making and repairing of the public roads and bridges is done by the supervisors. To meet the expense, they lay a road tax, and collect it or appoint some one to collect it. A common practice is to work out this tax ; and a fourth of it may be paid by planting shade trees, \$1.00 being allowed for every four trees planted. As supervisors can sue and be sued, they represent the township in a corporate capacity.

Among the minor duties is to erect and keep in repair guide posts at the intersection of roads, and watering-troughs along the roadside, and a town-house in which to hold elections, store road machinery, hold meetings of township officers, etc. Upon the request of a land-owner whose land fronts upon a public highway, the supervisors may establish a sidewalk, provided the land-owner pay for and keep the same in repair. In the absence of the constable, the supervisor may perform that official's duties.

The usual number of supervisors is two, but in some counties, special legislation allows more. In some parts

of the State the care of the roads is given to the lowest bidder. The term of office is one year, and the compensation \$1.50 a day for actual service on the roads. For collection of the tax, five per cent. is allowed.

**The School Directors.**—The public education of a district is committed to the school board. Like the supervisors, it is a corporate body. It determines the amount of money to be expended for school purposes and fixes the tax rate accordingly, which can not exceed 26 mills on the dollar—13 for school purposes and 13 for building purposes. One mill may also be levied for a free public library. For the erection of school buildings and for the purchase of ground therefor, the board may borrow money and pay the debt in annual instalments out of money received through the building tax. School facilities must be provided for all persons between the ages of six and twenty-one who desire to go to school; kindergartens for children between three and six years may be established; and all children between eight and sixteen years old must attend school—either a public or a private one—for at least seventy per centum of the school term in the district, provided between the ages of thirteen and sixteen the children are not regularly employed. If deemed necessary, the directors may—in cities, they shall—appoint attendance officers.

The support for the public schools is partly derived from the State, which makes at this time (1898) an annual appropriation of \$5,500,000 to them. The State appropriation is distributed directly to the districts on the following basis: One-third on the number of teachers, not including substitutes; one-third on the number of children between six and sixteen; and one-third on the number of taxables.

The chief duties relating to the actual management of the schools, are the election of teachers and fixing their salaries, determining the length of term (at not less than seven months), selecting the text-books and furnishing them, directing what branches shall be taught outside of those that must be taught (Reading, Writing, Spelling, Arithmetic, Geography, Grammar, and Physiology), enforcing compulsory attendance, and visiting the schools.

Once every three years the school directors of the county convene to elect a county superintendent. They also have the powers of a board of health, and may appoint a sanitary agent.

The number of directors in each district is six, two of whom are elected annually for a term of three years. Women are eligible to this office. There is no compensation. One dollar and mileage is allowed for attending the election of the superintendent. The officers are a president, secretary and treasurer. School Directors have to take an oath, which they can administer among themselves.

**The Collector.**—This officer does not have uniform duties throughout the State. In some townships he collects all the taxes—both county and township; in others, the road tax is collected by the supervisors or by a collector appointed by them; so, too, school directors in some places have their own tax collectors; and again, the State and county taxes are collected in some townships by the county treasurer or by his own collectors.

The term of office is three years. His salary consists of a commission, varying from two to five per cent. with the amount and the difficulty of collecting.

**The Overseers of the Poor.**—In some counties there are no poorhouses; where this is the case, the township elects overseers of the poor. Their duty is the support of the

poor. Help may be given to paupers in their own homes, or other people may be paid to provide for them, or a contract may be made with an adjoining county having a poor-house. If any one needs support continually for some length of time, as a person not able to work, the overseers require an order from two justices of the peace. To provide for the poor, the overseers can lay a tax.

The term of office is one year and the number of overseers two. Their compensation, which is trifling, is paid out of the poor fund.

**The Township Clerk.**—This is an office that is not always filled, for its duties have become few. When elected at all, the township clerk keeps the accounts and records of the supervisors. If any stray animals are found in the township and reported to him, he makes a record of them as to color and marks.

His term of office is one year and his salary is fixed by the supervisors. He is also entitled to fees on entries of strays and for showing the township records to such as may wish to consult or inspect them.

**The Auditors.**—The accounts of the school board, of the supervisors, of overseers of the poor, and of other township officers handling public money, must be examined every year by the auditors. Their report must be filed with the township clerk ; if no such officer exists, with the auditor having been in office longest. A copy of it must also be filed with the court and printed copies (at least five) must be posted in conspicuous places around the township.

The duty of the auditors is not merely clerical; they have the right to disapprove of expenditures. In case they do, the official who made the expenditure, must refund it to the township, or appeal to the court.

Duties not naturally belonging to this office are fence

viewing and appraising of sheep when killed by dogs. In the case of a quarrel about building line fences, the auditors shall decide whether the old one will do ; and if not, what proportion of the expense of repairing it or of building a new one, shall be borne by each party.

The number of auditors is three, one of whom is elected annually ; their term of office is three years. Their compensation is \$2.00 a day when they are actually in service.

**Election Officers.**—As it is important that elections should be conducted honestly, certain safeguards must be thrown around the polls. For this purpose the election officers are chosen. Before opening the election, they must take an oath, the judge of election taking a different oath from that which the two inspectors take. One of the inspectors has charge of the registry of voters, in which he makes an entry of those who vote ; the other receives and numbers the ballots. Both the judges and the inspectors have power to administer the oath to any that may have to be sworn before voting.

After the polls are closed the returns are made up by the election officers and sent to the proper officials, those of the National, State, county and city elections, to the prothonotary ; and those of the township, to the clerk of the courts. Judges within twelve miles of the county seat by wagon road or twenty-four miles by railroad, shall have their returns in before 2 o'clock P. M. the day after the election ; and all others, before 12 M. the second day after.

Election officers are elected for each voting precinct in a township. If the township has two or more voting precincts, there are two or more sets of election officers in it. The judge belongs to the party in the majority ; but the

two inspectors should belong one to each of the two leading parties. The term of office is one year. The compensation is \$3.50 for an election ; it is paid out of the county treasury.

### THE BOROUGH.

**The Borough.**—Whenever a village has a population so large that it needs separate schools, lighted streets, improved sidewalks, etc., it may set up a government of its own; for the township has no power to grant these things to a village, nor would it be inclined to grant them if it could. A town that has a government of its own is a borough. To organize itself into one, a village must petition the court through a majority of its voters, and give notice thereof in one newspaper of the county for at least thirty days. If the judge approves the petition, the borough is formed.

**The Chief Burgess.**—The executive power of the government of a borough is vested in the chief burgess. He enforces the ordinances of the town council. He is *ex officio* a justice of the peace and as such keeps order and peace. Like all executives, he must sign the laws, passed by the council, or veto them. His veto can be over-ruled by a two-thirds vote of the council. The foregoing are his duties as prescribed by the present State Constitution. In boroughs organized prior to 1874, the nature of his office, as well as that of other features of borough government, is somewhat different.

The burgess is chosen for three years and he cannot succeed himself. In some places he gets a small salary. If a vacancy occurs in this office, the court of quarter sessions, upon petition of the town council or any citizen of the borough, shall appoint a person to fill it.

**The Council.**—The council is the law-making power of the borough. Its laws are called ordinances. They relate (a) to the streets—their opening and improvement, their lighting and cleaning; (b) to the protection of life and property—the police service and the fire service; (c) to the public health—the sewerage, the abatement of nuisances, and the quarantine of infectious and contagious diseases; (d) to public conveniences—water works, light plants and cemeteries; (e) and to other matters in which the public is interested.

The council can sue and be sued. It can borrow money and fix the rate of interest. All bills are examined by it before it draws an order on the treasury for them. It employs a clerk, who keeps its records and signs and publishes its ordinances and resolutions; a treasurer, who receives the tax laid by it, all fines, licenses, and penalties, and pays its orders; and an engineer, who makes the surveys necessary in grading streets, sidewalks, etc.

In boroughs without wards, the number of councilmen shall be seven and their term three years, not all, however, being elected the same year. In larger boroughs, which are divided into wards (an act done by the court upon petition of the majority of the voters), each ward elects from one to three members of the council. A councilman serves without pay.

**Other Officers.**—A borough has no supervisors, the council attending to the streets. When it is divided into wards, the court may grant it authority to elect from one to three school directors from each ward. Otherwise the borough officers are about the same as those of the township.

### THE CITY.

**The City.**—A borough of 10,000 or more inhabitants can become a city, if a majority of its voters so decide. When a town reaches that population, it needs a government of more enlarged powers than a borough has. In fact, the government of a large city is more complex than that of a State, just as life itself is more complex in the town than it is in the country.

In a city, people are brought together in such great numbers that a form of local government different from any other is required—a form that is more complex and has more extended powers. What the best plan for the government of cities is, has become a great problem. In Pennsylvania, and in some other States in the Union, all the powers and privileges that a city has are expressed in a charter granted by the State. This charter is a sort of constitution, which is, however, not adopted by the people of the city, but given to it by the people of the whole State. It can be amended only by the State Legislature.

There are three classes of cities,—those of the first class must have a population of 1,000,000 or more; those of the second, 100,000 to 1,000,000; and those of the third, 10,000 to 100,000. This division is made for convenience of legislation—what would be good law for the larger cities might be poor law for the smaller ones. By virtue of this classification, laws may be passed for one class without interfering with the other classes.

**The Mayor.**—The chief executive officer of a city is the mayor. His general duties are the same as those of a burgess, but he has special duties not required of a burgess, owing to the greater complexity of the city government. He must prepare annually a message for councils,



in which he sets forth the condition of government, regarding its finances, its improvements, and its needed legislation. He calls special meetings of the councils when necessary. He appoints the heads of the various departments with the approval of the select council, meets with them once a month for a discussion of the affairs of the city, and removes them from office if they have not been faithful to duty.

A mayor's greatest responsibility arises from his relation to the police force. As the President or a Governor of a State is the head of the military, so a mayor controls the police. In case of a riot, he is charged with the duty of suppressing it with the police force, if possible; if not, he must call on the sheriff of the county for assistance. As in the case of the burgess, the mayor has also the authority of the justice of the peace. In this capacity he has much to do. In Philadelphia, the only city of the first class, he delegates this duty to two of the magistrates (aldermen in other cities, and justices of the peace in boroughs) elected by the city. These two men alternating hold a magistrate's court every day in the City Hall, and thus relieve the mayor of the duties of a justice of the peace.

The term of a mayor in cities of the second and third class is three years; and in cities of the first class (Philadelphia), four years. He cannot succeed himself. His salary is fixed by the councils.

**The Councils.**—The legislative department of a city is so similar in its powers and duties to that of the borough, that nothing need be said about it here, except that in cities of the first and second class (Allegheny excepted) the appropriations for the schools are made by it.

There are two councils in cities—a select and a com-

mon council. The members of the former are elected, one from each ward, for four years (three years in Philadelphia), one-half of them being elected every two years. The common council has two members from each ward, and more if the ward is very large (in Philadelphia one for every two thousand voters in each ward), who are elected for two years, one-half of them being elected each year. Like those of the borough, the councilmen of cities serve without pay.

**The Controller.**—This officer performs the duties of the auditors in a borough and in addition countersigns all orders on the treasurer. He is elected by the people (by councils in Allegheny) for two years (three years in cities of the first and second class) and his salary is fixed by the councils.

**The City Solicitor.**—This official is the attorney for the city, representing it at court in civil cases and acting as its legal adviser whenever requested to do so. He is elected by the councils in joint sessions in cities of the second and third class ; but by the people, in Philadelphia. His term of office in cities of the third class is two years, in others three years ; and councils fix his salary.

**The City Treasurer.**—His duties are the same as those of a borough treasurer ; but he is elected by the people instead of appointed by the councils. His term of office is three years. Councils fix his salary.

**Aldermen and Magistrates.**—In cities of the third and second class, justices of the peace are called aldermen, and in Philadelphia, magistrates. The duties and jurisdiction of this office in cities are about the same as they are in boroughs and townships. The work is greater and the office therefore more remunerative and important.

**The School Superintendent.**—All cities and boroughs of

5000 or more inhabitants can elect their own school superintendent, who has the same powers as the county superintendent. The Philadelphia schools are not under the general school system of the State.

**The Fire Marshal.**—Cities of the third class may have a fire marshal, who shall be appointed by the mayor for a term of two years. His duty is to ascertain the cause of the fires that occur in the city. He has power to enter any building or premises wherein a fire has occurred, to make an examination into the cause. The chief of police or the chief of the fire department may be made *ex-officio* fire marshal.

**Other Officers.**—The other city officers perform the same duties as the corresponding officers of the borough, except certain heads of departments in cities of the first and second class. These are (a) the director of public safety, who is the head of the police and fire departments and of the bureau of health; (b) the director of public works, who supervises the streets, sewers, water works and gas works; (c) the board of charities and correction. In Philadelphia these are all appointed by the mayor, while in Pittsburg and Allegheny they are elected by the councils. Philadelphia has a receiver of taxes to whom are paid all taxes and other moneys due the city. He pays them over to the city treasurer. He is elected by the people for three years.

**ANALYTICAL REVIEW.**—What officer is the peacemaker of a community? What suits may be brought before a justice? In what suits is his decision final? What is the course of procedure before a justice in a criminal case? What is a warrant? What are the minor duties of a justice? The number of justices in a township? term? jurisdiction? salary? What are the duties of a notary public? How is he appointed? term? salary? Who serves writs and warrants? Constable's general duty? What

is a writ? How is it served? How is property assessed? What connection has the assessor with elections? With the compulsory school law? Number of assessors? term? salary? etc.? What various ways of getting roads made and repaired? Through what officials can a township sue or be sued? Can a township have sidewalks at the public expense? Number, term, salary, etc., of assessors? Name all the corporate bodies of a township. How is the tax for school purposes laid? What is the nature of the compulsory school law? Chief duties of school directors? Their term, compensation, etc? What is said of the collector? the overseers of the poor? the township clerk? How does a township learn how its taxes have been expended? Have auditors any other duty than to examine accounts? Number, term, salary, etc., of auditors? Who holds the elections and how are the duties divided among them? How are the returns made? What is a precinct? Salary, etc., of election officers? When and how are boroughs formed? What are the duties of a burgess? How is a vacancy in his office filled? How are the laws of a borough made? What do they relate to? What officials are employed by council? What are wards? Has a borough like officers with a township? What is the difference between a city and a borough? Why do cities have charters? How are cities classified? Why? What difference between the duties of a burgess and a mayor? What *ex-officio* duties has a burgess or a mayor? Does the school board of Philadelphia lay a school tax? What is the duty of the controller? the solicitor? the treasurer? How are these officials respectively appointed? What is an alderman? a magistrate? Is a State certificate good to teach in Philadelphia? What entitles a town to a school superintendent? What executive departments in cities of the first and second class?

## CHAPTER IV.

## COUNTY GOVERNMENT.

**County Offices in General.**—To be qualified for a county office, a person must have been a citizen and a resident of the county for at least one year before his election. The term of office, as a rule, is three years. The salary, in counties of less than 150,000 inhabitants, consists of fees fixed by law; and in counties of over 150,000 inhabitants, it is a specified amount, the fees being paid into the treasury—either into that of the county or that of the State, as the law may direct. No salary is to be greater than the amount of the fees.

**The Judges and Courts.**—There are two kinds of judges—those learned in the law and those not learned in the law. Whenever a county has 40,000 or more inhabitants it has one judge or more learned in the law, the number increasing with the population. Counties of less than 40,000 inhabitants form joint districts of two or more counties in each. The counties of such a district have each two associate judges not learned in the law; and the district elects one judge learned in the law, who is called president judge. He holds court in the counties of his district in turn.

There are also different kinds of courts—Common Pleas, Oyer and Terminer, Quarter Sessions and Orphans' Courts. In counties and districts having but one judge, all these courts are presided over by one judge. The Court of Common Pleas has jurisdiction in all civil cases. The Oyer and Terminer ("to hear and determine") has

jurisdiction in cases of murder, treason, robbery, burglary, arson, and other high crimes. The Court of Quarter Sessions (having four sessions a year) has jurisdiction in cases of petty crimes, such as theft, assault and battery, etc. The Orphans' Court settles the estates of deceased persons and controls the estates of minors. Some counties having two or more judges, elect a separate judge for the Orphans' Court.

The chief duty of a judge learned in the law is to preside at the trial of cases, to conduct the trial impartially, to hear the evidence, to decide points of law raised in the progress of the trial, and to charge the jury with instructions for making up a verdict. Other duties are the issuing of various writs,—of *habeas corpus*, of *mandamus*, of *injunction*, of *quo warranto*,—the staying of executions, the granting of petitions, the issuing of naturalization papers, the removal of certain officials, the chartering of corporations not for profit, such as, secret societies, hospitals, cemeteries, etc.

Judges not learned in the law, or associate judges, have the same powers that the president judge has, but they seldom exercise any but a few of them. They are mainly advisory members on the bench. They have in a few instances undertaken to hold court, and have even been known to charge juries in opposition to the president judge. They exercise an equal voice in granting licenses and in establishing new roads, etc. They administer oaths, stay writs of execution, issue writs of *habeas corpus*, etc. As they reside in the county, their services are a convenience in the absence of the president judge.

The term of office of judges learned in the law is ten years; and that of the associates, five years. The salary of the former is \$4,000, except in Philadelphia (\$7,000),

Allegheny (\$5,000), and Dauphin and Westmoreland (\$5,000); that of the latter \$5 a day when actually engaged.

**The Jury.**—The jury, though really a part of the court, is so important a factor in the government of a county, that it deserves to be treated as of equal rank with a county office. It is distinctively an English institution, though something like the jury system is found in other nations. The principle from which trial by jury has come, is found in the Magna Charta, given to the English people by King John in 1215; it is as follows: "No freeman shall be taken or imprisoned, or disseized, or outlawed, or exiled, or anyways destroyed; nor will we go upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land." However, as a mere custom, the jury system is so old in England that "the memory of man runneth not to the contrary."

There are three kinds of juries—the Grand Jury, the Petit Jury and the Traverse Jury. Twenty-four men are summoned for the Grand Jury, one of whom is excused to avoid ties. The court appoints one of them as foreman. The number of Petit and Traverse Jurors is determined by the court; it consists usually of from thirty-six to sixty each; in smaller counties the same panel is used for both. From this number twelve are drawn to try each case as it comes before the court.

The Grand Jury decides what criminal cases shall be brought before the court. It hears the evidence only for the Commonwealth, that is, the evidence against the accused. If a case is made out against him, the foreman endorses the bill of indictment, which endorsement makes it a "true bill." Only one witness against the accused is allowed to be before the Grand Jury at one time, and

no one but the district attorney is allowed to be present during its sessions. The Grand Jury inspects annually all public buildings of the county—its prison, poor-house, court-house, etc., and approves of the location of county bridges.

The Petit Jury, which tries criminal cases, after listening to the evidence, the pleas of the attorneys, and the charge of the judge, must retire to a room and make up their verdict without talking to anyone but the judge. Their verdict must be unanimous, whether it is "Guilty" or "Not Guilty;" and in misdemeanor cases and cases of larceny of goods not amounting in value to ten dollars, where the verdict is "Not Guilty," they have power to put the costs on the prosecutor or the defendant or the county, or apportion them between prosecutor and defendant. If they cannot agree, there has to be a new trial.

In civil cases, the trial by the Traverse Jury is very much the same. The verdict of the jury is either "For the Plaintiff" or "For the Defendant." In case there is any damage, the jury also fixes the amount, which constitutes a part of the verdict. Jurymen get \$2.00 a day.

**The Sheriff.**—The chief officer of the county is the sheriff. He is the executive power in the county. To him we look for the maintenance of the peace. To that end he has power to make arrests; but he exercises it chiefly when ordered by the court. He keeps criminals in the county jail until their trial, and afterwards, if they are convicted and sentenced to the county jail. If sentenced to the penitentiary, they are conducted there by him. If sentenced to be hanged, they are hanged by him. In case of riot or mob, he may arrest without a warrant. If on such occasions he needs assistance, he may call on the citizens of the county to help him, and



they constitute what is called a *posse comitatus*. Should he still not be able to quell the disturbance, he may call on the Governor of the State.

Other duties of the sheriff are to serve the writs (orders) of the judges, to sell property for debt when judgment has been given by the court and an execution (order to sell) has been issued by it. He also sells the property of delinquent taxpayers. He has charge of the jury-wheel, assists in drawing the juries, and notifies jurors when to appear in court. Notices of general elections are given by him in the papers and on handbills.

He cannot succeed himself in office. He is paid by fees and usually has the best paying office in the county. Having large sums of money in his keeping, he is under heavy bonds, varying from \$8,000 to \$60,000, according to the population of the county.

He must appoint a deputy with full power to act in the absence of the sheriff. If a vacancy occurs in the office of sheriff, the coroner performs the duties until the Governor appoints another.

**The Prothonotary.**—The prothonotary is the clerk of the civil court—common pleas—and as such he keeps a full record of every case that passes through that court. He takes bail in civil cases and has charge of the seal of the court and affixes it to all papers that require it. He administers the oaths and affirmations to the jurors and to the witnesses, as well as to others who must be sworn in the conduct of his business. In his office is found the record of judgments and mechanics' liens, which is open to all who want to examine it; also the record of naturalizations and that of city, county, State and National elections. Of the election record, except that of the city, he makes a copy and sends it to the office of the Secretary

of the Commonwealth at Harrisburg, whence a commission from the Governor is issued to the persons elected. He also keeps the register of physicians.

He can be his own successor in office. His salary consists of fees; but if these amount to more than \$2,000 a year, he must pay half the excess into the county treasury.

**The Clerk of the Courts.**—The clerk of the courts is the clerk of the criminal courts—oyer and terminer and quarter sessions. He is present at the sessions and keeps a record of the proceedings. He calls up and swears the jurors and the witnesses of these courts. As under the law the court of quarter sessions grants liquor licenses, the clerk of the courts has charge of all business pertaining to licenses. The records of township and borough elections are kept in this office, and certificates of election are issued by it to the candidates that were elected, except to the justices and aldermen, who are commissioned by the Governor.

The salary consists of fees, and in some counties this office is combined with the prothonotary's, and one person is elected to perform the duties of both.

**The Clerk of the Orphans' Court.**—The duties of this clerk can be understood from his title. In most counties the office is joined either to the clerk of the courts or to the register of wills. The salary likewise consists of fees.

**The Register of Wills.**—The register of wills records and keeps the wills of deceased persons. A will must be proven to have been the lawful act of the person who is claimed to have made it. This official proof must be made before the register of wills; it is called a probate; and if a dispute arises, being a judicial officer, the register may hear and decide the case, from which decision an ap-

peal may be made to the Orphans' Court. A copy of the will is then made and given to the executors named in the will. If there is no will, the register appoints an administrator or administrators to settle up the estate. He keeps a record of all the transactions of executors and administrators. The register also collects the collateral inheritance tax and pays it into the State treasury.

The register of wills is paid by fees, and is under bond for the faithful performance of his duties.

**The Recorder of Deeds.**—Whenever real estate is sold, the deed given by the seller to the buyer should be copied in full in the books of the recorder of deeds. Mortgages, releases, charters, commissions of county officers, and certain other documents are also thus recorded. When a paper is received for record, a note of the time when it was presented is made on the back of it; on mortgages even the hour is noted. A deed should be recorded within ninety days, to make it valid against a subsequent purchaser. The recorder may also take acknowledgments of deeds, mortgages, etc.

The recorder is paid in fees, and must give bonds. The recorder's office in most counties is combined with the register's, and in the smaller counties we find all the clerical duties—those of prothonotary, register, recorder, clerk of the courts, and clerk of the orphan's court, performed by one man.

**The County Commissioners.**—The county commissioners are the business managers of the county. To them is entrusted the care of its public property—the court house, the poor house, the jail and the county bridges. If any new public building is needed, or an addition to an old one, the commissioners must have the approval of two successive grand juries and of the court of quarter ses-

sions, before making such improvements. They make and settle all the bills of the county, and have therefore the power to lay the county tax—to determine the amount required and to fix the rate.

The commissioners may be appealed to when a person thinks the assessors have valued his property too high, and they verify the standard of weights and measures to prevent cheating by false balances. The polling places and the tickets for fall elections must be provided by the commissioners. When the county sues or is sued, it is done through the commissioners. They are also empowered to borrow money.

The commissioners are entitled to a clerk, whom they appoint and whose salary they fix. They also appoint an attorney in counties not having a solicitor, who acts as their lawyer. Besides these, they appoint the janitor for the court house, the mercantile appraiser, and two prison inspectors in counties where the sheriff does not have direct charge of the jail. All these appointments are for one year, except that of the prison inspectors, which varies, and of the clerk, which is for three years. The salaries are fixed by the commissioners.

The commissioners are all elected every third year, but no person is allowed to vote for more than two in order that one of the commissioners may belong to the minority party in the county. To transact the business of the county, they must meet as a board, two being necessary to take any action. A single commissioner can act only by authority of the board. As a rule they are paid for the time actually spent in service—\$3.50 per day. In some few counties they receive fixed salaries. They can succeed themselves.

**The County Treasurer.**—This officer receives (and in

some counties collects) the State and county taxes, and the fines and licenses. He must pay the State tax and other State moneys to the State treasurer quarterly, or oftener if required. The money of the county he pays out on orders drawn by the county commissioners. He must make quarterly and yearly reports of the condition of the treasury to the county commissioners.

The treasurer cannot have two successive terms. He is paid a certain per cent., generally determined by the commissioners, and subject to the approval of the auditors, on all money paid out. In some counties the per cent. is fixed by a special law, and in a few a fixed salary is paid. For embezzlement or mismanagement, the treasurer may be removed by the court of quarter sessions. A vacancy is filled by the county commissioners.

**The District Attorney.**—The district attorney prosecutes persons charged with violating, within the county, the criminal law of the State. He draws up the indictments and presents them to the grand jury. If a "true bill" is found, he represents the Commonwealth in court at the trial of the accused; that is, he tries to convict him. He can employ other attorneys to help him in the trial.

The district attorney is eligible to re-election for successive terms. He must be a lawyer, and must have practiced two years. He is paid by fees. The office generally is not very profitable, but as it is rich in experience, young attorneys especially seek it. In counties having more than 150,000 inhabitants, he may appoint from one to four assistants.

**The County Solicitor.**—This is the attorney of the county in its civil cases; that is, in cases where the county sues or is sued. He is also the legal adviser of the county officers, more especially of the commissioners. His term

and salary are like those of the district attorney, but he receives his appointment from the county commissioners.

**The Coroner.**—When a person's death is sudden and mysterious, or when it is a case of suicide or murder, it is the coroner's duty to investigate it. He also holds inquests over the bodies of persons who die in prison. He calls a jury of six citizens to assist him. If the jury finds anyone guilty of killing a person, the accused is committed to jail by the coroner, there to await trial. No inquest of persons known to be dead can be held unless the body has been found.

The coroner is paid by fees and he can succeed himself. In his absence, a justice of the peace may hold an inquest. If a vacancy occurs in the sheriff's office, the coroner acts until the Governor makes an appointment.

**The County Surveyor.**—This office was very useful when the State still owned large tracts of land within its bounds. Whenever it sold a tract, it was the duty of the county surveyor to make a survey of it. As all the public land is now sold, he has little to do except to make surveys for roads, bridges, and disputed claims. His pay, which consists of fees, is trifling ; but there is something in the name of the office that adds to a surveyor's reputation. He can succeed himself.

**The Directors of the Poor.**—The directors of the poor have the care of the paupers in counties which have an almshouse and no township overseers of the poor. They hold monthly meetings at the almshouse and see that it is properly conducted. They admit inmates on an order from two justices of the peace. Children between two and sixteen years of age must be supported outside of the almshouse. For special reasons, adults are sometimes

supported outside; but no person who refuses to go to the almshouse can be so supported.

The directors of the poor are elected, one each year, to serve for three years. Their salary is \$100 per annum except in counties having special legislation.

**The Jury Commissioners.**—It is the duty of the jury commissioners, in connection with the judge of the court, to meet once a year at the county seat and select a number of persons to serve as jurors in the several courts during the year. The names of those chosen are written on slips of paper, also their occupation and residence. These slips are folded and placed in the jury wheel, which is then locked by the sheriff and secured by sealing wax. Whenever the sheriff receives an order from the court to draw a certain number of jurors for the next court, he and the two commissioners draw from the wheel, after having turned it sufficiently to intermix the slips, the number called for.

At the election of jury commissioners, no person is allowed to vote for more than one candidate, in order that each political party may be represented in the election of jurors. Their compensation is \$2.50 a day while engaged in the county's service, except in large counties, where it is \$500 a year.

**The County Auditors.**—These officers examine, compare, and settle the reports of the commissioners, the treasurer, the sheriff, the coroner, and the directors of the poor, and make a report to the court of common pleas. They see that the taxes, fines, and licenses are collected and properly accounted for, and they examine very carefully all bills paid, in order that no illegal payments are made.

In the election of auditors the same rule must be observed as in the case of the commissioners. There are

three, and two only should be of one party. They get \$3 for each day's service.

In counties having 150,000 inhabitants and over, a county controller is elected to perform the duties of the auditors.

**The Mercantile Appraiser.**—His duty is to furnish to the county treasurer a list of all merchants in the county, classified according to the amount of their annual business done. Upon this valuation a State tax is laid.

The fees are fifty cents for each place of business visited and a mileage of six cents. The appointment is made by the county commissioners.

**The County Superintendent.**—The official head of all the public schools in the county is the county superintendent. His duties are to hold annual examinations in all or most of the school districts for the purpose of giving certificates to persons who are qualified to teach, to visit all the public schools, if possible, once a year, to hold an annual institute for all the teachers of the county, and to make out an annual as well as a monthly report, for the State Superintendent of Public Instruction.

The certificates granted by a county superintendent are of two kinds—provisional and professional. The former is good for one year; the latter for as much of the term of the superintendent as remains unexpired when it is granted and for one year thereafter. It is granted only to experienced teachers.

He has power also to recommend teachers to the State Superintendent as worthy of a permanent certificate, which is granted by the State School Department to holders of professional certificates upon passing a satisfactory examination before a committee appointed by the State Superintendent. The county superintendent is



elected by a convention of the school directors of the county. His salary is fixed by the convention, the law fixing the minimum and the maximum at \$1,000 and \$2,000 respectively, according to the size of the county, the number of the schools, and its average length of school term. Any amount above the maximum may be agreed on; but the excess is not paid by the State, but is deducted from the county's share of the State appropriation. The county superintendent can succeed himself.

**ANALYTICAL REVIEW.**—What is the general character of a county office? Explain president judge and associate judges. In what court is a civil case tried? a murder case? an assault and battery case? are legacies recovered? What is the chief duty of a judge learned in the law? of one not learned in the law? Salary and term of judges? History of the jury? What is an indictment? When do costs enter into a verdict? Explain when a verdict is "For the Plaintiff." How does a *posse comitatus* come into existence? Who has charge of the county jail? What is a writ of execution? How is a vacancy in the sheriff's office filled? In what office would you look for the record of a manslaughter case? for the returns of a congressional election? Why does the prothonotary send the record of the fall elections to the Secretary of the Commonwealth? Who probates wills? How are estates settled when there is no will? Explain collateral inheritance. What kinds of papers must be recorded? What offices are combined into one in small counties? If you wanted to sue a county, against whom would you proceed? What officials are in the employ of the commissioners? What must be the politics of the board of Commissioners? If a county bridge needed repairs, to whom would you report? How is the treasurer paid for his services? What is meant by "representing the Commonwealth?" What advantage in the office of district attorney? What is the solicitor's duty in a county? the coroner's? the surveyor's? Why are children at certain ages not allowed in the almshouse? How are jurors selected? By whom are the county's accounts examined? Why should not all the auditors be of the same party? Duty of mercantile appraiser? State the difference between a provisional and a professional certificate? How is a permanent certificate obtained? How is the county superintendent paid?

## CHAPTER V.

## THE STATE GOVERNMENT.

The State, like the National government, has three departments—the legislative, the executive, and the judicial. The necessity of this tripartite form of government, which is common to all the States in the Union, is self-evident. We cannot conceive of a government by the people that does not have a power to make laws, a power to carry them out, and a power to explain what they mean. After a law has been made, it must be carried out or it will be a dead letter, commanding neither respect nor obedience. But a law is necessarily not always understood alike. One person takes this meaning out of it, another that. Then again, a law may not be based on the Constitution; in that case there must be a power higher than the legislative and the executive, to declare it unconstitutional. To settle disputes about the meaning and constitutionality of laws, is the highest function of the judicial department and it is finally vested in the Supreme Court.

## THE LEGISLATIVE DEPARTMENT.

**The Nature of the General Assembly.**—The legislative power is vested in the General Assembly,—commonly called the Legislature,—which consists of a Senate and House of Representatives. The members of the two bodies are chosen in the same way and by the same persons. There is a difference however in age and in term of office, and the number of senators is about one-

fourth of the number of representatives. In their function, the two bodies differ in this, that the Senate, besides having the law-making power, has some degree of executive power as well as judicial power. It confirms or rejects appointments of the Governor and thereby assumes executive power; it tries all cases of impeachment and is therefore also judicial in its nature.

As stated in another chapter, the first constitution of Pennsylvania provided only for one house. Our fathers were jealous of popular rights and therefore they opposed every form of government in which the people could not be in close touch with their rulers. It was for this reason that they did not favor an upper house; but time soon demonstrated that two houses are necessary, one to serve as a check on the other; and in the second constitution, two were created.

This theory of the division of the legislative power was almost unknown to the republics of ancient times; but now it is an axiom in the science of legislation.

**The Duties of the General Assembly.**—It is the duty of the General Assembly, or Legislature, to make such laws as are necessary for the welfare of the State; but it must make no laws that violate the constitution of the United States or that of Pennsylvania. It can legislate on almost any subject (*See Constitution, Art. 3, Sec. 7*); but there are a few things with which it is not allowed to meddle (*See various Sections of Art. 3*).

Other duties of the General Assembly are the election of two persons to represent the State in the United States Senate; the division of the State into representative and senatorial districts, as well as into judicial and congressional, once every ten years, immediately after each United States census; the fixing of the number, duties

and compensation of State, county and township officers ; the appropriation of money, the raising of revenue and the submitting of amendments to the constitution.

**How a Bill Becomes a Law.**—(1) Bills may originate in either house (except revenue bills, which must come from the House). (2) No bill is considered unless it has been referred to a committee, returned therefrom, and printed for the use of members. (3) Every bill is read by the clerk on three different days, in each house, amendments to it being made on second reading and the same being printed for the use of the members before the final vote is taken on third reading. (4) After third reading the vote on final passage must be taken by yeas and nays and a majority of all the members elected to each house must be recorded as voting in its favor if it is to pass. (5) After having passed both houses, a bill, to become a law, must be signed by the Governor. If he vetoes it, he must return it to the house in which it originated and state his objections. If it then passes both houses by a vote of two-thirds of all the members of each house (yea and nay vote), it becomes a law over the Governor's veto. (6) If the Governor does not return the bill within ten days after it has been presented to him, it becomes a law without his signature. But if the Legislature adjourns before the ten days are up, the Governor has thirty days after such adjournment in which to sign or veto all bills in his hands.

**Sessions of the General Assembly.**—The General Assembly meets at 12 o'clock, noon, on the first Tuesday in January of every second year. The length of term is not fixed ; it is generally about five months. Special sessions can be called only by the Governor. A special session of the Senate alone may be called, but not of the House

alone. Each house has its own chamber in which to hold its sessions.

**Compensation of the Members.**—The compensation of the Senators and that of the Representatives is the same, both receiving \$1,500 for a regular session and \$500 for a special session, regardless of the length of either. To this must be added \$50 worth of stationery, \$100 worth of postage stamps, and mileage at the rate of 20 cents per mile each way.

**The Senate.**—The Senate has fifty members,—one for each senatorial district,—who serve four years. One-half of them are elected every two years. A Senator must be twenty-five years old; he must have been a citizen of the State four years and a resident of his district at least one year immediately before his election. (*For Apportionment of the State into Senatorial Districts, see Constitution, Article 2, Section 16.*)

The presiding officer of the Senate is the Lieutenant-Governor. He is not a member, and therefore can vote only in case of a tie. The Senate elects one of its own number president *pro tempore*, who appoints the committees and presides in the absence of the Lieutenant-Governor.

**The House of Representatives.**—According to the Constitution of the State, the House consists of about two hundred members, the exact number being determined by dividing the population of the State as given by the latest United States census, by 200. The quotient thus obtained is called the "ratio of population." The number of Representatives to a county is determined by dividing the "ratio of population" into its population; but each county is entitled to at least one Representative (*See Constitution, Article 2, Section 17*).

The term of office of a Representative is two years. He must be twenty-one years old, while his other qualifications are the same as those of a Senator. The presiding officer, or speaker, is a member of the House of Representatives and he is chosen by them at the opening of the session. He appoints the committees and has a vote on all questions.

#### THE EXECUTIVE DEPARTMENT.

The Constitution provides that the executive department shall consist of a Governor, Lieutenant-Governor, Secretary of the Commonwealth, Attorney-General, Auditor-General, Secretary of Internal Affairs, and Superintendent of Public Instruction. Three of these—the Secretary of the Commonwealth, the Attorney-General, and the Superintendent of Public Instruction—are appointed by the Governor; the others are elected by the people. Added to the eight executive officers required by the Constitution, are others created by acts of Assembly for the purpose of assisting the Governor and the other chief executive officers in administering the government. They are the Adjutant-General, the State Librarian, the Superintendent of Public Buildings and Grounds, the Superintendent of Public Printing and Binding, the Superintendent of Banking, the Factory Inspector, the Insurance Commissioner, the Secretary of Agriculture and his assistants—the Director of Farmers' Institutes, the Economic Zoölogist, the Commissioner of Forestry, and the Dairy and Food Commissioner. Besides these administrative officers created by statute, there is also a number of State Boards, viz., of Agriculture, of Public Charities, of Health, of Pardons, of Mine Inspectors, of Medical Examiners, of

Pharmaceutical Examiners, of Dental Examiners, of Veterinary Examiners, the Live Stock Sanitary Board, and others of minor importance. Nearly all of these assistant State officers are appointed by the Governor, for a term of four years. The names of the various boards indicate the duties to be performed by them.

**The Governor.**—In the Governor is vested the supreme executive power of the State. His first and great duty is to study the wants of the State, lay them before the General Assembly and point out the means which in his opinion may be used to provide for them. He is also to guard the State against violent shocks and threatened dangers. When the laws of peace are violated in any part of the State to such an extent that the sheriffs can not keep order, he must call out the militia to quell the resistance and restore order. The Constitution makes him the commander-in-chief.

The chief powers incidental to the office of Governor are to approve or veto every bill passed by the General Assembly ; to appoint certain officers and fill certain vacancies ; to remit fines and forfeitures ; to grant reprieves ; to grant commutations and pardons, on recommendation of the Board of Pardons ; to call both houses or the Senate alone into extra session ; and to adjourn them both in case of disagreement between them, with respect to the time of adjournment, to such a time as he shall think proper, not exceeding four months.

The Governor's term of office is four years, and he cannot succeed himself. He must be thirty years old, a citizen of the United States, and must have been a citizen of the State for seven years next preceding his election. His salary is \$10,000 a year and a free residence in the Executive Mansion at Harrisburg.

**The Lieutenant-Governor.**—This officer, as the name indicates, takes the place of the Governor in case of the death, resignation, removal, or disability of the latter, and his qualifications and term of office are therefore the same as those of the Governor. He presides over the sessions of the Senate, but has no vote unless the Senate is equally divided, because he is not a member of that body. He is a member of the Board of Pardons. His salary is \$5,000.

**The Secretary of the Commonwealth.**—No officer of the State stands in closer relation to the Governor than the Secretary of the Commonwealth. Nearly all the official documents of the former pass through his hands, because a record of them must be kept in the State Department. The Secretary is the keeper of the State seal, and he affixes it to all such documents as the law requires, and countersigns them. To him as custodian are entrusted all laws passed by the Assembly, together with the veto messages of the Governor; all bonds of officers commissioned by the Governor; the returns of National, State and county elections; and the records of all commissions, appointments, corporations chartered for profit, death warrants, respites, pardons, etc. He too is a member of the Board of Pardons. In the State's relations to other States and to the United States, the Secretary of the Commonwealth performs the same duties as the Secretary of State in the President's Cabinet.

The term of office is four years unless the Governor chooses to remove him. His salary is \$4000. He also gets fees and extra compensation on various State boards, so that his salary is the highest paid by the State, amounting to \$15,000 and over.

**The Attorney-General.**—The Attorney-General is the attorney for the State and as such he is the legal adviser of



the Governor and of the heads of the various departments. In lawsuits to which the State is a party, he represents the State. He is a member of the Board of Pardons and an official visitor of the State penitentiaries.

His term of office is four years, but the Governor may remove him at any time. The salary is \$3,500 and fees.

**The Auditor-General.**—He makes an annual examination of the State treasury and settles all accounts between the State and any person, officer, department, association, or corporation. He has power to compel persons to settle their accounts, to examine witnesses under oath, and to commit them to prison if they refuse to testify or to produce any books, papers or documents. The fiscal year closes November 30th, and immediately thereafter, he publishes a report of the State's finances.

The Auditor-General is elected for three years and he cannot succeed himself. His salary is \$4,000 and extra compensation for services on State boards.

**The State Treasurer.**—The duty of this officer is to receive and receipt for all moneys paid into the State treasury and to pay all warrants drawn by the proper officers. He furnishes the Auditor-General a statement on the first day of each month, showing the condition of the treasury, and he makes an annual report to the General Assembly.

Owing to the responsible nature of this office, its incumbent is under bond to the amount of \$500,000. The term of office is two years and it cannot be held two successive terms by the same person. The salary is \$5,000, exclusive of compensation for extra services.

**The Secretary of Internal Affairs.**—This office, before the Constitution of 1873 had been adopted, was known as the Surveyor General's, and it includes therefore, among other things, the records of original deeds and surveys of all

the lands as made when they were acquired by the State while it was yet a colony of Great Britain and afterwards, as well as the records of all deeds to the purchasers of the land. In this office are found also the surveys of county lines, state and turnpike roads, railroads and canals, and the records of the organization of the counties.

As now constituted the Department of Internal Affairs includes the Land Office, the Bureaus of Vital Statistics, of Industrial Statistics, of the State Weather Service, of Assessments, and of Railroads, Mines, Canals, Telegraphs and Telephones. The vital statistics relate to births, marriages and deaths; the industrial, to the relation of capital and labor and to the educational, industrial, and social condition of those engaged in manual labor. The object of the State Weather Service is to aid the United States Service in distributing its forecasts through the State, especially among the farmers. The bureau of assessments keeps a record of State and county rates of taxation, of the assessed value of real and personal property taxable for State and county purposes. The bureau of railroads, etc., keeps a record of the annual reports made by those corporations, concerning their capital, indebtedness, amount of business done, rates of transportation, number of accidents to employes and passengers, and many other facts of value to the public.

The term of office is four years and the incumbent may succeed himself. His salary, except for extra services, is \$4,000. He is the fourth member of the Board of Pardons.

**The Superintendent of Public Instruction.**—It is the duty of this officer to exercise a general supervision of all the public schools of the Commonwealth. He commissions county, city and borough superintendents and conducts the State Normal School examinations. When asked to

do so, he explains points in the school law to directors, superintendents and teachers. Besides the normal school diploma, he issues a permanent certificate to holders of professional certificates who have passed an examination before a board of examiners appointed by himself; this is valid for life in the county for which it is issued and in any other county in which the county superintendent may endorse it. The State Superintendent signs all orders for money to be paid out of the State appropriation for the common schools.

He is appointed by the Governor for four years. His salary is \$4,000.

**The Adjutant-General.**—The Adjutant-General is the chief of the Governor's staff; through him the latter issues his orders to the National Guard of the State, and he must see that the Governor's orders are carried out. He must make an inspection of the guard at its annual encampment.

The National Guard is not the whole militia, only the part that is organized, drilled, and under arms. All the male citizens of the State between the ages of 18 and 45 years constitute the militia, except such as are exempted by law. The guard consists of one division, commanded by a major-general and divided into three brigades, each under a brigadier-general.

The Adjutant-General is appointed by the Governor for four years and his salary is \$4,000.

**The State Librarian.**—This official has charge of the State Library, which contains about 100,000 volumes, classified as law, State papers, and miscellaneous works. He receives all moneys appropriated to it and disburses them according to his judgment. Two hundred copies of each of the public documents of the State are given to

him for exchange with other States in the Union and with foreign countries.

The State Librarian must be a person of literary and bibliographic knowledge. He is appointed by the Governor for four years and gets a salary of \$2,500.

**The Superintendent of Public Grounds and Buildings.**—He has charge of the Capitol buildings and grounds, makes the necessary repairs and improvements, employs laborers for that purpose and gives orders to the watchmen employed to act as police around the grounds and buildings. He is responsible to the Board of Public Grounds and Buildings, composed of the Governor, Auditor-General, and State Treasurer.

He is appointed by the Governor for a term of four years at a salary of \$3,000 per annum.

**The Superintendent of Public Printing and Binding.**—It is his duty to receive and take charge of all reports made to the Governor by the heads of departments, and have the same printed by the State Printer. He shall also arrange all matter ordered to be printed by the Legislature, or either branch thereof, and supervise the printing of the same, causing it to be done in a prompt and workmanlike manner.

He is appointed by the Governor for four years and receives a salary of \$2,000 per annum.

**The Superintendent of Banking.**—It is his duty to see that the laws relating to banks and banking companies, trust companies, savings banks, and every other corporation receiving money on deposit, incorporated under the laws of the State, are carried out.

He shall examine at least once a year, and oftener if he thinks proper, their books, papers, and affairs in general. They shall make quarterly statements to him show-

ing their resources and liabilities and publish the same three times in a local newspaper, to secure the people against losses.

The Superintendent of Banking is appointed by the Governor for four years at an annual salary of \$6,000. He shall not be interested as officer or stockholder in any corporation under his supervision.

**The Factory Inspector.**—The duties of this officer are to enforce the laws relating to the employment of women and children in mercantile and manufacturing establishments. He sees that no minor or adult woman is employed in such establishments for more than sixty hours in any week; that no child under thirteen is employed in them at all; that no minor who cannot read and write English be employed unless he produces a certificate of having attended a day or evening school for sixteen weeks in the preceding year; and that the elevators, belts, pulleys and shafts are properly guarded to protect the life and limb of those employed. He also inspects the sanitary arrangements, the means of egress—fire escapes and doors—and condemns them if not sufficient.

He is appointed by the Governor for three years at a salary of \$3,000 and is entitled to a number of assistants, not over twenty, five of whom shall be women.

**The Insurance Commissioner.**—This officer enforces the insurance laws, and keeps on file a copy of the charters of the various companies doing business in the State. Those from other States must get from him a certificate of authority to do business in this State.

The Insurance Commissioner is appointed by the Governor for three years at a salary of \$3,000 per annum.

**The Secretary of Agriculture.**—It is the duty of this officer to promote the development of agriculture, horticul-

ture, forestry, and kindred industries. He is to ascertain what grains, fruits, grasses, and other crops are adapted to the various soils of the State and to what diseases they are liable. He is also to make a study of stock and poultry for the benefit of the public. He is *ex-officio* secretary of the State Board of Agriculture and must therefore keep in close relation to the agricultural societies of the State. Another important work of this department is the protection of the forests against fires and other depredations, and the planting of new wood-lands.

The Secretary of Agriculture has four assistants: a Director of Farmers' Institutes, an Economic Zoölogist, a Commissioner of Forestry, and a Dairy and Food Commissioner.

The Secretary and his assistants are appointed by the Governor for a term of four years; the former gets a salary of \$3,500; the Director of Institutes, \$3,000; and each of the other three, \$2,500.

### THE JUDICIAL DEPARTMENT.

**The Judicial Power.**—The judicial power of the State is vested by the Constitution in a supreme court and in the county courts and in such other courts as the General Assembly may establish. When there are disputes as to what a law means when applied to a special case or as to whether a law is constitutional or not, an appeal may be made from the county court to the superior or the supreme court. The decision given in the supreme court is final as well as that given in some cases by the superior court; and in similar cases all the county courts of the State must thereafter follow this decision as long as it is not reversed. Most of the cases before the supreme and

the superior court are brought before them by appeal from the county courts.

It is seen, therefore, that the judicial power of the State is extended to other than the central institutions; namely, to the county court and to the justice's court. But as the judges and other officers of the county courts are elected by the counties over which their jurisdiction extends, these courts are commonly called county courts, while the superior and the supreme court alone are known as the judicial department of the State. All judges are paid out of the State treasury.

**The Jurisdiction of the Supreme Court.**—The jurisdiction of the supreme court extends over every county in the State and the judges thereof can hold a court of oyer and terminer in any county of the State. There are but few kinds of cases that may be begun in the supreme court. (*See Constitution, Article 5, Section 3*). Its work is confined almost exclusively to appeals from county courts and the superior court. Either party to a civil suit may make the appeal. A criminal suit may be appealed by the defendant; but he must first obtain permission from one of the supreme justices, a provision which serves as a check against numerous and unnecessary appeals.

**The Manner of Trial.**—The witnesses are not present at the trial, nor is there a jury. The evidence given before the lower court, and all the other proceedings, are printed in pamphlet form and presented to the supreme court for examination. No new evidence is admitted; the court simply reviews the case as disposed of by the lower court, hears the arguments of the lawyers, and then gives its decision, which must consist of the opinions of a majority of the justices. From this decision there is no appeal, unless the case involves the constitu-

tion or laws of the United States ; in that event there is an appeal to the United States courts.

**The Reports of the Supreme Court.**—Next in importance to the Acts of Assembly are the Supreme Court Reports. Lawyers and judges must be learned in the latter as well as in the former. The decisions of the supreme court, as long as they have not been reversed, are the law for all subsequent cases of the same nature. They are compiled by the reporter of the supreme court, an officer appointed by the Governor for a term of five years.

**The Justices of the Supreme Court.**—There are seven justices. They are elected by the people for a term of twenty-one years, but they are not eligible for re-election. The justice who has been on the supreme bench longest is the chief justice. The sessions are held in Philadelphia, Harrisburg and Pittsburg to accommodate the different sections of the State. The salary of the chief justice is \$8,500 a year ; that of the associate justices, \$8,000.

**The Superior Court.**—Owing to the great amount of work to be done by the supreme court, the superior court was established in 1895 to relieve the former. It has no original jurisdiction, except to issue writs of *habeas corpus*. It has exclusive and final appellate jurisdiction in all appeals formerly allowed to the supreme court in the following cases :

(a) In all proceedings of any kind in the courts of quarter sessions, except in cases involving the right to a public office.

(b) In all cases of the oyer and terminer courts, except felonious homicide, which is appealed directly to the supreme court. But before either of these two classes of cases can be appealed, the consent of a judge of the superior court must be obtained.



(c) All other actions, claims, or disputes in which the amount involved is not greater than \$1,000, except cases brought by the attorney-general in his official capacity, or cases relating to a public office.

But in all these cases there may be an appeal from the superior to the supreme court, if the jurisdiction of the superior court is in question; if the constitution of the United States or its statutes are involved; if the construction or application of the State constitution is involved; or if an appeal in any case is specially allowed by the superior court.

The manner of trial is the same as that of the supreme court; and a record of its proceedings is likewise kept and published by the State.

The superior court consists of the same number of judges as the supreme court, namely, seven. They are elected by the people for a term of ten years. The judge who has been longest on the superior bench is the chief judge. The sessions are held in Philadelphia, Pittsburg, Harrisburg, Scranton, and Williamsport, at least once a year in each city. The salary of the judges is \$7,500 per annum.

**ANALYTICAL REVIEW.**—Explain the necessity of the tripartite form of government. What is the reason for having two houses in the General Assembly? What should be the purpose of our laws? By what is the validity of a law tested? Why are U. S. Senators elected by the Legislature? Explain apportionment. Why don't the counties and the townships fix the salaries of their officers, just as the cities and boroughs do? How does a bill become a law? What do you know of the sessions of the Legislature and the compensation of its members? What is the difference between the presiding officers of the two bodies? Between the number of members? Name the executive departments required by the constitution. By statute. What State boards have been organized? Chief duty of the Governor? Duties incidental to the

office? Why should a Governor not succeed himself? How is a convict pardoned? reprieved? What kind of papers are kept on file by the Secretary of the Commonwealth? What is said of the salary of this office? What are the duties of the Attorney-General? of the Auditor-General? of the State Treasurer? How did the office of Secretary of Internal Affairs originate? What are its departments now? What important financial duty is attached to the office of Superintendent of Public Instruction? What officials does he commission? Explain the National Guard. Size of the State Library? How are the State's public documents exchanged with those of other States? What are the duties of the Superintendent of Public Grounds and Buildings? of Public Printing and Binding? of Banking? of the Factory Inspector? of the Insurance Commissioner? What departments are included under the office of Secretary of Agriculture? In what courts is the judicial power of the State vested? Which are the appellate courts? How is a criminal suit appealed? a civil suit? How is the trial conducted before the superior or the supreme court? Why are the reports of these courts important? What cases must be appealed to the superior court? to the supreme court? From the superior to the supreme court? How are the superior and the supreme court constituted? Where do they hold their sessions?

## CHAPTER VI.

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**LAWS AND CUSTOMS GOVERNING ELECTIONS  
IN PENNSYLVANIA.**

**Nominations.**—The original method of electing officers in this country was for the voters to go to the polls on election day and cast their ballots for whomsoever they regarded as best fitted for the various offices to be filled. Of course, there was some understanding as to who was running for office; but the men to be voted for had not been decided on before the election as they are now. With the division of the people into political parties, came the system of nominations now so generally in use. In order to be voted for, a man must be on the ticket of his party; in other words, he must be nominated by a party. However, the right to vote for a candidate of his own choice, is not denied to the voter; but such a candidate stands little chance of election.

**Conventions.**—Nominations are generally made in conventions held by the various parties. There are State, county, township, borough and city conventions; though in townships and small boroughs they are simply meetings of the leading voters of the parties.

The State convention nominates the candidates for State offices and Presidential electors, and selects delegates-at-large to the Presidential convention. Its delegates are elected by the county convention, unless a county has some other way of nominating its officers. The parties hold their State conventions from three to

five months before the election, so as to give the people ample time to choose among the candidates. Besides making nominations, the State convention adopts a platform of party principles that are to be carried out if the candidates nominated are elected.

The county convention nominates the candidates for county officers and selects delegates to the State convention. County delegates are selected by those voters who belong to the party about to hold a convention. The latter meet for that purpose in their respective voting precincts at a time fixed by the rules of their party. At this delegate or primary election, as it is called, the delegates are frequently instructed for whom they shall vote in the convention.

**Direct Nominations.**—In some counties, nominations are not made by conventions, but by a direct method known as the "Crawford County System," named after the county in which it was originated. By this system the voters who attend the "primaries," vote directly for the candidates of their choice; the ones receiving the highest number of votes in the whole county, are nominated. This is a favorite method with the people; for the delegates to a convention cannot always be relied on to do the will of those that send them.

**The Campaign.**—A very interesting and exciting feature preliminary to an election, is the campaign. Its purpose is to interest the people in the issues before them and to explain to them the platforms of the parties. To carry on this work, committees are appointed by the different parties. There are State committees, county, city, and even township committees. The first of these is an important organization, composed of one member from each county and appointed by the State convention. The

chairman of the State committee is selected by the candidates nominated for the State offices. These campaign committees also fix the time and place of holding conventions.

**The Election.**—There are two annual elections held in Pennsylvania; one on the first Tuesday after the first Monday of November, the other on the third Tuesday of February. The former is held for National, State and county officers; and the latter, for township, borough and city officers. The polls open at 7 A. M. and close at 7 P. M.

The manner of conducting elections in this State is prescribed by what is known as the "Baker Ballot Law," a modification of the "Australian Ballot Law." The ballots used must be only those prescribed by this law; for the November election, they are furnished by the county; for the February election, by the township, borough or city. To have its candidates printed on these ballots, a party must, at the previous election, have polled at least two per cent. of the highest number of votes cast for any State office. Independent candidates may also have their names printed on the ticket, provided they present nomination papers signed (in the case of a State office) by at least one-half of one per cent. of the highest number of votes cast for any State office; and (in the case of any other office) by at least two per cent. of the highest number of votes cast for any office in the district for which the independent nomination is made. There are also blank spaces on the ballots wherein a voter may write the names of candidates of his own choice.

Any person desiring to vote must give his name and residence to the election officers. If such name is found on the assessor's list, the person is allowed to enter the

space enclosed by the guard rail, where a ballot is handed to him. He then retires to one of the voting shelves and prepares his ballot by marking a cross (x) opposite the party name, or opposite the name of the candidate of his choice for each office to be filled, or by inserting in the blank space provided therefor any name not already on the ballot, and in case of a question submitted to the vote of the people, by marking a cross (x) against the answer which he desires to give. Before leaving the voting shelf, the voter folds his ballot without displaying the marks thereon in the same way it was folded when received by him, gives his ballot to the election officer in charge of the ballot box, who, without unfolding the ballot, numbers it as required by the Constitution to prevent fraud, placing the said number in the right hand upper corner of the back of the ballot immediately to the left of the folding line printed thereon. The election officer then at once folds the corner and fastens it securely down with the adhesive paste to cover the number on the ballot that it cannot be seen without unfastening or cutting open the part fastened down. He then deposits the ballot in the box. The number written on the ballot is also written opposite the voter's name on a list made out as the votes are cast.

Every party or group of citizens making nominations, has a right to have three watchers appointed for each district. These must be commissioned by the county commissioners, and only one from each party shall be allowed in the election room at the same time. The watchers have a right to remain in the election room, but outside the guard rail, from the opening of the polls in the morning until after the votes have been counted, and the returns made out and signed by the election officers.

**The Qualifications of a Voter.**—(a.) He must be a male at least twenty-one years of age.

(b.) He must have been a citizen of the United States at least one month.

(c.) He must have resided in Pennsylvania one year immediately before the election, or if, having previously been a qualified voter in the State, he having removed therefrom and returned, then six months.

(d.) He must have resided in the election district where he wants to vote at least two months immediately before the election.

(e.) He must have paid, unless he is voting on age, a State or county tax within two years, which was assessed two months, and paid at least one month, before the election.

(f.) He must be registered by the assessor, which registration must be made at least sixty days before the election. And no man shall be permitted to vote whose name is not on said list, unless he proves by the oath of at least one qualified voter in his district and by his own oath, his right to vote.

**ANALYTICAL REVIEW.**—What was the original method of electing officers? What gave rise to nominations? Classify conventions. How is the State convention formed? the county convention? Explain direct nominations. What is the object of the campaign? Give the dates of our elections? State how an election is conducted? What is the distinguishing feature of our pre-election law? What is the law in regard to independent candidates? What are the qualifications of a voter? Must he be able to read and write? Why should a man have to live two months at least in a district before he can vote in it? Why should a man have to pay a State or county tax some time within two years before voting?

## CHAPTER VII.

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**THE NATIONAL GOVERNMENT AS ADMINISTERED  
DIRECTLY IN THE STATE.**

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**ITS LAWS AND COURTS.**

**United States Laws in the State.**—All the people in the State are subject to certain United States laws. If the National government should lay a direct tax, the law would apply to every property owner in Pennsylvania; but the local tax-collectors would not collect the tax; federal officers would be appointed for that purpose. The National government has no power to compel the State, or the local governments under the States, to collect its taxes. If in time of war more troops are needed than will volunteer, as was the case in 1863, the National government orders a draft; it appoints marshals to make an enrollment of the men subject to the draft, and organizes those drafted into companies and regiments. If a disturbance, such as the railroad riots of '77 and '94, breaks out and the local and State authorities cannot put it down, the President of the United States assists in putting it down; and any locality thus occupied by federal troops, is under martial law of the United States for the time being. Besides these, we have other federal laws; such as, the postal laws, the internal revenue laws, the patent laws and copyright laws—all of which are in force everywhere.

**United States Courts in the State.**—Cases arising in the



State under the United States laws are tried by courts similar to those of the State. The lowest regular courts of the United States are the district courts, of which there are some sixty throughout the Union. Pennsylvania has two, one for the eastern part of the State and one for the western. The former holds its sessions at Philadelphia; the latter, at Pittsburg. A judge is appointed by the President for each district. The next highest United States courts are the circuit courts, of which there are nine, the entire Union being divided into nine judicial districts. For each of these also, the President appoints two or three judges; besides, the nine justices of the Supreme Court, whose sessions are held at Washington, must distribute the nine circuits among themselves and hold a court at least once in two years in each of them. The circuit whose jurisdiction extends over our State is the Third and comprises Pennsylvania, New Jersey and Delaware. Its sessions for Pennsylvania are held at Philadelphia, Scranton, Williamsport, Erie and Pittsburg.

**The Officers of the U. S. Courts Resident in the State.**—For the district court and for the circuit court, in the State, clerks are appointed by the respective judges. Thus there is a clerk resident in Philadelphia and Pittsburg each for the two district courts in the State and one in each of the four cities in which the circuit court holds its sessions. They have charge of the seal, records and papers of the court.

A district attorney is appointed by the President for each of the two district courts for a term of four years. It is his duty to prosecute in his district, both in the circuit and district court, all criminals and offenders under the authority of the United States, and to represent the United States in all cases where it is a party.

The President also appoints a marshal for a term of four years, whose territorial jurisdiction is identical with that of the district attorney. It is his duty to serve and execute all processes and orders issued by the United States courts in his district. The duties of the marshal are like those of the sheriff in the county, or the constable in the township. He may appoint deputies for permanent or temporary service.

Another important officer of the United States courts is the commissioner. Each circuit judge has power to appoint as many persons of good judgment to this office as he may deem necessary in his district. Their chief duty is to take evidence for the trial of cases and to arrest and hold for trial persons accused of crime against the United States. A justice of the peace or an alderman may act as a commissioner; in which case, though a State officer at the time of making an arrest for the United States government, he is a United States officer and is responsible to the latter government for his acts. This is a very necessary provision; for if the United States mail, for instance, is robbed, it is important that the nearest justice of the peace should have power to issue a warrant for the arrest of the criminal.

The jurors for the district and circuit courts are selected from the various counties comprising the judicial district. Two commissioners in each district make the selection. The grand jury is composed of not less than sixteen nor more than twenty-three men; the traverse jury, of twelve. A man cannot be summoned oftener than once in two years to act as juror of the federal courts.

**The Jurisdiction of the United States Courts.**—Most of the crimes and offenses against the United States may be tried in either the district or the circuit court—capital

crimes only in the latter. Suits about patents or inventions and the copyrights of books, must be brought for trial before the circuit court, likewise suits between citizens of different States and suits under the revenue and postal laws. Appeals from the district courts are made mostly to the circuit court, in some instances to the Supreme Court. Appeals from the circuit court are made to the Supreme Court.

#### ITS POSTAL SERVICE.

**History of the Service.**—The most extensive business of the State and of the United States is the postal service. Before the 17th century, governments did not carry private letters; the business was done by individuals, just as any other business. About the time of the settlement of the American colonies, the government system of carrying mail was introduced in England; but it was not until 1704 that anything was done for the colonies in that direction. In that year, the office of postmaster-general for America was created. It remained however for Benjamin Franklin, who was made deputy postmaster-general in 1753, to make the system worth anything. Under his management it paid all expenses and a surplus and therefore became a fixed and popular thing in the colonies. In 1775 the Continental Congress organized a system independent of the British and appointed Franklin postmaster-general; and when the Constitution had been adopted, Congress recognized the Post Office Department as already existing and no law was passed to create it. Its head however did not become a member of the Cabinet before Jackson's administration.

**Offenses Against the Postal Laws.**—As the government has undertaken to carry the mail of the people as cheaply

as possible, it must protect itself by law against competition and against fraud. To this end a penalty is attached to a number of acts, of which the following are the most liable to be committed:—

(a.) Using stamps in payment of postage which have been previously used for like purposes.

(b.) Fraudulent attempt to evade the payment of postage.

(c.) Establishing private express for the conveyance of letters or packets, or aiding therein.

(d.) Sending letters by private express or delivering them for transmission thereby.

(e.) Carrying letters out of mails or securing them for such purpose.

(f.) Intercepting or secreting letters.

(g.) Selling stamps for more or less than the lawful price.

(h.) Sending anything indecent.

(i.) Doing any kind of lottery business.

(j.) Etc.

**Classification of Mail Matter.**—There are four classes of mail matter. The *first* class consists of written matter,—letters and postal cards,—and all matter wholly or partly in writing. Typewritten letters are included, unless they are of the nature of a circular. No writing or printing is allowed on the address side of a postal, nor may anything except an address label be posted or attached to it. The postage on this class is 2 cents for each ounce or fraction thereof. The *second* class consists of newspapers and all other periodicals which are issued at stated intervals, at least four times a year. The postage is 1 cent a pound or fraction thereof. Weekly newspapers within the county of publication are free, except when addressed to

a free delivery office therein. Newspapers and periodicals sent by others than the publisher or news agent, must be stamped at the rate of 1 cent for each 4 ounces or fraction thereof. The *third* class includes all other printed matter; such as, books, circulars, proof sheets, etc. The rate of postage is 1 cent for each 2 ounces or fraction thereof. Seeds, cuttings, roots, scions, and plants are sent at this rate also. The *fourth* class embraces all other matter of a nature not liable to destroy, deface, or otherwise damage the contents of the mail bag, or harm the person of anyone engaged in the postal service. The packages must not exceed 4 pounds, except for a single book, which may weigh more. The postage is 1 cent an ounce.

**Classification of Postmasters.**—The classification of postmasters is made on the basis of salary received by them. The first class embraces those whose annual salaries are \$3,000 and upward; the second class, those whose annual salaries are between \$2,000 and \$3,000; the third class, those whose annual salaries are between \$1,000 and \$2,000; the fourth class, those whose annual compensation, exclusive of their commissions on the money-order business, amounts to less than \$1,000. The salaries of the first three classes are graded on the gross receipts of the offices. Offices doing from \$1,900 to \$8,000 business pay from \$1,000 to \$1,900 salary; from \$8,000 to \$40,000, \$2,000 to \$2,900 salary; from \$40,000 to \$600,000 and upwards, salary \$3,000 to \$6,000. The postmaster of New York city gets \$8,000, irrespective of the foregoing grading. Fourth class postmasters are paid upon the basis of box rents collected and stamps canceled on matter actually mailed at their offices. They get all the box rent, and a commission on stamps canceled. If their

gross receipts are only \$50 or less per quarter, they get all of them. Some fourth class offices pay less than \$5 a year.

Postmasters of the fourth class are appointed by the Postmaster-General ; all others are appointed by the President and confirmed by the Senate. Their term of office is four years.

### THE INTERNAL REVENUE.

**What it is.**—The taxes for the United States government are not direct taxes but indirect taxes ; that is, the individual is not taxed for its support as he is for the support of the State and county. The federal government has a right to lay a direct tax ; but as a rule it makes use of that power only in time of war, when its expenses are great. In ordinary times it raises its taxes from two sources : from goods imported from foreign countries and from articles produced or manufactured in this country. The tax on the former is known as the tariff, or custom duties ; that on the latter, as the internal revenue. Both of these are collected in the States ; but as customs are paid only at seaports, Pennsylvania has only two cities in which custom houses are located,—Philadelphia and Erie,—while internal revenue collectors are found all over the State.

**Things on Which the Internal Revenue Tax is Levied.**—The articles subject to tax under the internal revenue laws are alcoholic liquors, tobacco, cigars, cigarettes, snuff, oleomargarine, playing-cards, and the circulation of banks. There is also a special annual tax levied on distillers and brewers, on manufacturers of cigars, tobacco, and oleomargarine, and on wholesale and retail dealers in alcoholic liquors, oleomargarine, and tobacco in certain quantities.

**Collection Districts.**—For the purpose of assessing, levying, and collecting internal revenue taxes, collection districts are formed by the President. In Pennsylvania there are four; together they comprise all the counties in the State. For each of these, the President appoints a collector, who must be a resident in the same. Deputies are appointed by the collector, to assist him in the performance of his duties.

**Duties of the Collectors.**—The chief duty of the collectors is to collect all taxes imposed by law. The deputies are required to make frequent visits to distilleries, breweries, tobacco and cigar manufactories, and all places where taxable objects are kept. In order to detect fraud, they must thoroughly acquaint themselves with distilling and brewing, with the manufacture of cigars and tobacco, and with the difference between butter and oleomargarine. If any illicit distilling is known to exist, they must seize the stills and secure the arrest of the operators.

The taxes imposed upon the circulation of national banks are returned and paid directly to the Treasurer of the United States; the revenue collectors have nothing to do with them.

**Other Officers in the Revenue Service.**—The revenue from distilled liquors is so much greater than that from any other source, that every safeguard must be placed around its collection. To this end, other officers beside the collectors are appointed. They are the gaugers and storekeepers, who receive their appointment from the Secretary of the Treasury, to which department the revenue system belongs. The gauger measures the volume and determines the proof (strength) of distilled liquors and puts upon each cask or package gauged by him all the marks, brands and stamps required by law. The storekeeper, jointly

with the proprietor, has charge of the distillery warehouse. He keeps the government key, and the warehouse must at no time be unlocked except in his presence. He must make a daily report of all spirits received in the warehouse and withdrawn from it. His chief duty is to see that no liquor is withdrawn without his knowledge; for the tax on distilled spirits is not due before the same are withdrawn, provided they are withdrawn within three years from the date of deposit. While spirits are in the warehouse they are said to be in bond. The bond is an obligation given by the distiller to the government, with one or more sureties, that he will pay the tax before removing the liquor from the warehouse.

#### THE WEATHER BUREAU.

**Its History.**—The Weather Bureau formerly belonged to the War Department, it having been a part of the Signal Corps. The latter was devised by Gen. A. J. Myers to give signals in the army and navy by means of flags by day and torches and rockets by night. One of the first uses of the Signal Service was to warn military commanders of the approach of storms. To do this the condition of the atmosphere had to be observed and in that way the present Weather Bureau sprung into existence. It was established by an act of Congress in February, 1870; and was transferred from the War Department to the Agricultural Department in 1891.

**Its Extent.**—Its growth has been wonderful, both in extent and usefulness; though it must be admitted that more progress has been made in the facilities of the Bureau than in its scientific knowledge. There are now about five hundred stations in the country. Pennsylvania has four regular ones; they are in Philadelphia,



Pittsburg, Erie and Harrisburg. Beside these, some sixty volunteer observers make monthly reports of temperature, pressure, deposits, etc. One or more of them is located in nearly every county. Those in charge of the regular stations are trained and intelligent observers; they telegraph their observations to Washington two and three times a day. There the Bureau studies the reports and makes up the forecast of the weather for the next twenty-four hours. This is wired to every portion of the country and posted up in the railroad stations and post offices in cities, towns and villages. The indications of the Weather Bureau have become almost as indispensable to agriculture, shipping and other interests as the market and stock quotations are to the merchant and speculator.

**ANALYTICAL REVIEW.**—What is a direct tax? Who collects U. S. taxes? When is a draft made? When is a community under martial law? Give examples of U. S. laws in operation in every township. What U. S. courts have direct jurisdiction in a State? What officials are connected with the U. S. courts in a State? What local officials may act as U. S. officials? What reason for this provision? How are the jurors selected for the U. S. courts? In what court is a patent right case tried? a case of mail robbery? murder on the high seas? assault and battery on Lake Erie at Erie? Have mails always been carried by governments? What is the history of our own Post Office Department? Name the most common violations of the postal laws. Give classification of mail matter. What is the postage on a newspaper weighing 4 ounces, sent by a friend to another friend? On a book weighing five pounds? On a package of dry goods weighing a half pound? What does your postmaster get a year? How much business does your post office do? Who gets the box rent in a 1st class office? in a 4th class office? Who appoints your postmaster? How does the government raise its revenue? What is internal revenue? On what is internal revenue levied at the present time? How is it collected? What is a "moonshiner"? a gauger? a storekeeper? Explain the phrase "in bond." Give history of the Weather Bureau. Its extent. How many stations in Pennsylvania? How are the reports made?

## CHAPTER VIII.

## THE UNITED STATES GOVERNMENT.

## HISTORY OF THE GOVERNMENT.

**The Continental Congress.**—The first great bond of the American Union was formed in Carpenter's Hall, Philadelphia, September 5, 1774. This bond was the Continental Congress. As all the colonies but Georgia were represented at its first session, the Continental Congress at once became a general form of government.

**The Declaration of Independence.**—On July 4, 1776, the Continental Congress took the next great step in the formation of our present government. It adopted the Declaration of Independence and gave the colonies the title of a nation; namely, "The United States of America." Each State was independent, but not sovereign, for all acknowledged that they must stand by the general government vested in the Continental Congress; but there was no organic union.\*

**The Articles of Confederation.**—Just before the Declaration of Independence, plans for a union were presented to Congress, by Dr. Franklin. But nothing was done before April, 1777. From that time the subject of union was debated two or three times a week, until November 15th following, when thirteen Articles of Confederation were adopted. These Articles of Confederation were the basis of our Republic for nearly twelve years.

**The Constitution.**—After the close of the Revolution, The Articles of Confederation were no longer sufficient for the government of the United States. Congress was powerless to collect taxes for the payment of the immense war debt; even the States themselves had difficulty in collecting their own taxes, as Shay's Rebellion showed. All that Congress had power to do under The Articles of Confederation was to *recommend* measures to the States; it could not *demand* anything of them. A trade convention met at Annapolis, September, 1786, to consider a better system of commercial regulations for the States. This convention, composed of delegates from only six States, did a great thing for the United States; for, besides attending to the business stated in the call, it suggested that another convention meet for the purpose of revising The Articles of Confederation. Accordingly, in May, 1787, all the States but Rhode Island sent delegates to Philadelphia, where the convention assembled in Independence Hall, with George Washington as president. It soon appeared that a revision of The Articles of Confederation was out of the question; and so the convention framed the present Constitution, which was finally adopted September 17, 1787. By July 26, 1788, eleven States had ratified it, two more than necessary to make it binding—and it went into effect March 4, 1789. North Carolina and Rhode Island followed respectively November 21, 1789, and May 29, 1790.

## THE LEGISLATIVE DEPARTMENT.

### THE SENATE.

**Number of Members.**—There are at present ninety Senators, two being chosen from each State by the Legislature thereof, for a term of six years.

**Qualifications of a Senator.**—A Senator must be at least thirty years old; he must have been a citizen of the United States for nine years; when elected he must be an inhabitant of the State from which he is chosen.

**Classes of Senators.**—Senators are divided into three classes as nearly equal as possible. The terms of one-third of them expire on March 4th of each odd year. In order that their terms may expire at different times, Senators of the same State are assigned to separate classes.

**Presiding Officers.**—The Vice-President of the United States is the regular presiding officer of the Senate. He has no voice in its deliberations, except in case of a tie vote. A president *pro tempore* is chosen to preside during the absence of the Vice-President. Being a member of the Senate, he may vote on all questions while presiding.

**Trial on Impeachment.**—The Senate has the sole power to try impeachments. To convict, two-thirds of the members present must favor conviction. If the President of the United States is on trial, the Chief Justice of the Supreme Court presides.

**Vacancies.**—Vacancies in the Senate are filled by the State Legislature when in session, or by the Governor of the State when the Legislature is not in session.

**Compensation.**—The salary of a Senator is \$5,000 a year. The president *pro tempore* is paid at the rate of the Vice-President's salary—\$8,000 per year—if he takes the latter's place any length of time.

#### THE HOUSE OF REPRESENTATIVES.

**Number of Members.**—There are now three hundred and fifty-seven Representatives. They are chosen every second

year. The qualifications required to vote for a Representative in Congress are the same as those required to vote for a member of the more numerous branch of the State Legislature. The term of the Representatives begins March 4th of each odd year. The sessions of Congress are held at least once a year—beginning on the first Monday of December.

**Qualifications of a Representative.**—A Representative must be at least twenty-five years old. He must have been a citizen of the United States seven years, and must, at the time of his election, be an inhabitant of the State from which he is chosen.

**Apportionment.**—Representatives and direct taxes are apportioned among the States according to their population. For convenience, the States are divided into congressional districts each having one Representative. The ratio of representation is one Representative for every 173,901 people in the United States, as shown by the census of 1890. It is sometimes found inconvenient to adjust the boundaries of Representative districts in a State when its number of Representatives has been increased. Pennsylvania had twenty-eight Representatives for the ten years preceding 1893. The census of 1890 gave the State thirty Representatives, but instead of changing the number of Representative districts, the additional members are chosen from the State as a whole. The Representatives chosen in this way are known as the Representatives-at-large.

**The Officers.**—The House of Representatives chooses its Speaker from its own members, and appoints other necessary officers. The Speaker has a vote on all questions because he is a member of the House. He is the third officer of the Government in point of rank, and the

second in point of power. As he names all the committees of the House, he shapes the legislation of that body to a great extent.

**Vacancies.**—When vacancies occur by death, resignation or otherwise, they are filled by a special election for that purpose, ordered by the Governor of the State.

**Compensation.**—A Representative gets \$5,000 a year; the Speaker, \$8,000 a year. Mileage of twenty cents a mile to and from the Capital, once for each session, is allowed.

**Exclusive Powers.**—All bills for raising revenue must originate in the House of Representatives but the Senate may propose or concur with amendments. Revenue is tax. A direct tax, which is either a tax on land or a poll tax, can not be levied upon the States except in proportion to the population as shown by the last census. Direct taxation is resorted to only in times of war, when the expenses of the government are very great. In ordinary times all the revenue is raised by indirect taxation; that is, from certain imported goods and from certain articles manufactured at home.

The House of Representatives has also the sole power of impeachment; and the Senate, the sole power to try impeachments. There have been seven cases of impeachment brought before the Senate by the House; one was not tried for want of jurisdiction, that of a United States Senator (Blount), an office held not to be included in the term "civil officers"; five resulted in acquittal, the most noted of which was President Johnson; and one resulted in conviction, that of Judge Humphries of the United States district court.

For the powers of Congress, which may be exercised by either House, see Article I., Section 8, of the Consti-

tution ; and for the powers denied to Congress and to the States, see Sections 9 and 10 of the same Article.

### THE EXECUTIVE DEPARTMENT.

**Powers and Duties.**—The executive power is vested in a President. To him is entrusted the enforcement of the laws of Congress. By means of annual messages to Congress, he informs the people of the condition of the Nation and suggests any legislation that he may deem necessary. On extraordinary occasions he calls Congress together in extra session and fixes the time for their adjournment, in case both houses can not agree upon such time.

He shall be commander-in-chief of the army and navy, and of the militia of the several States when called into actual service of the United States. He also has the power to make treaties with other nations, by and with the advice of the Senate, two-thirds of the members present concurring. He appoints ambassadors and other public ministers (and receives those of foreign countries), and consuls, cabinet officers, judges of the federal courts, and others as required by law. All such appointments, except subordinate officers, must be approved by the Senate. It requires about 200,000 persons to do all the executive business of our government at home and in foreign lands.

**Term of Office.**—The term of office is four years, and there is nothing said in the Constitution about re-election. Eight Presidents have been honored with a second term ; and an effort was made to nominate one—President Grant—for a third term.

**Qualifications.**—No person is eligible to the office of President unless he has attained the age of thirty-five

years. He must be a native-born citizen and must have been a resident of the United States fourteen years.

**Salary.**—The President's salary is \$50,000 a year, payable in monthly installments of \$4,166.66 each. Prior to 1873 it was \$25,000.

**Presidential Electors.**—The Presidential electors are the persons who directly elect the President and Vice-President. Each State chooses as many Presidential electors as it has Senators and Representatives in Congress. The whole number constitutes the Electoral College. The Presidential electors of each State are frequently called the Electoral College of that State. The Electoral College of Pennsylvania consists of thirty-two members, at present; and the Electoral College of the United States, of four hundred and forty-seven members. Members of Congress and persons holding positions of profit or trust under the United States, are prohibited from serving as Presidential electors.

**Nomination and Election of Presidential Electors.**—Each political party in a State nominates a ticket of Presidential electors, at the State convention. A voter, as a rule, votes for all the candidates on his party's ticket, and, as a consequence, the Presidential electors chosen in a State are generally all of the same political party. Occasionally voters will "scratch" an electoral ticket and thereby elect a divided Electoral College in a State. In 1892 the electoral vote of five States was divided: In California and Ohio because the vote for the Cleveland and Harrison electors was so close; in Michigan because by act of Legislature each Congressional district voted separately for an elector; in Oregon because one of the four candidates for electors on the Populist ticket was also on the Democratic ticket, the result being three Republicans and



one Populist elected ; in North Dakota because one of the two Populist electors who were elected cast his vote for Cleveland, this causing the electoral vote of the State to be equally divided between Cleveland, Harrison and Weaver.

The election for President and Vice-President, or rather for the Presidential electors, is held on the first Tuesday after the first Monday in November, in the year when a President is to be chosen. Usually it is known by the next morning which political party has elected a majority of the Presidential electors; but the last act in the election of a President and Vice-President is still over three months in the future. The Presidential electors meet on the second Monday in January following their election, usually at the Capital of their respective States, and vote by ballot for candidates for President and Vice-President, one of whom at least shall not be an inhabitant of the same State as themselves. Three lists of the persons voted for for each office are made, each list showing the number of votes each candidate has received. The electors sign, certify, and seal these lists, and deposit one with the judge of the district court of the United States for the district in which the electors meet. The other two are sent to the president of the United States Senate, one by mail, and one by special messenger.

**Counting of the Votes.**—On the second Wednesday in February following, both houses of Congress meet in joint convention, when the president of the Senate opens the sealed lists and the votes are counted. The persons receiving a majority of all the votes cast for President and Vice-President respectively are declared elected. If no person receives a majority of all the electoral votes cast for President, the choice of that officer devolves upon the

House of Representatives, the selection being made from one three candidates receiving the highest number of electoral votes. Each State has but one vote, and a majority of the Representatives from each State casts the vote of that State. When a vote for President is taken in the House of Representatives, there must be present one or more members from at least two-thirds of all the States, and a majority of all the votes is necessary to a choice. At least one vote is taken every day, but if no choice is made before March 4th, the Vice-President serves as President. Only two Presidents have been chosen by the House of Representatives, Thomas Jefferson, for his first term, and John Quincy Adams.

**Presidential Succession.**—In case of the removal, death, resignation, or inability of both the President and Vice-President, the following line of succession has been provided for by Congress : Secretary of state, secretary of the treasury, secretary of war, attorney-general, postmaster-general, secretary of the navy, and secretary of the interior.

**President's Cabinet.**—To aid him in the discharge of his duties, the President appoints a Cabinet, consisting of eight prominent men, to each of whom is entrusted some special department of the work of the President. The Cabinet is not provided for by the Constitution, but by several acts of Congress, giving the President the right to appoint these officers. The different departments have been established as follows: State, treasury and war departments, September, 1789; postoffice department, 1794; navy department, 1798; interior department, 1849; department of justice, 1870, although Congress had created the office of Attorney-General in 1789; department of agriculture, 1889. The salary of a Cabinet officer is \$8,000 a year.

**The Secretary of State.**—The Secretary of State has in his charge all business between our own and other governments. He conducts the correspondence with our ministers and other agents in foreign countries, and with the representatives of other countries here. All communications respecting boundary and other treaties are also under the direction of this department, and a special clerk compiles and preserves all statistics relating to our foreign commerce. This department also files all acts and proceedings of Congress, and attends to the publication of the same and their distribution throughout the country.

**The Secretary of the Treasury.**—This department has charge of all moneys paid into the Treasury of the United States, also of all disbursements, the auditing of accounts, and the collection of revenue. It supervises the mint and coinage of money, and has charge of the coast survey, including the erection and management of light-houses. The marine hospitals of the government are under its direction, and it controls the regulation and appointments of all custom houses. It also supervises the life-saving service, and has control of the National Board of Health.

**The Secretary of War.**—It has in its charge all business growing out of the military affairs of the government, attends to the paying of troops and the furnishing of all army supplies; it supervises the erection of forts, and all work of military engineering. This department has also in charge the publication of official records of the war, an enormous work, which has already taken a number of years. All the Archives captured from, or surrendered by, the Confederate Government are in charge of this

bureau of records. The Military Academy at West Point is under the War Department.

**The Secretary of the Navy.**—The Navy Department was at first included in the War Department, but in 1798 the two branches of the service were separated. It supervises the building and repairs of all vessels, docks, and wharves, and enlistment and discipline of sailors, together with all supplies needed by them. The Naval Academy at Annapolis is under the Navy Department.

**The Secretary of the Interior.**—This department has charge of all matters relating to the sale and survey of the public lands ; the adjudication and payment of pensions ; the treaties with the Indian tribes of the West ; the issue of letters patent to inventors, the collection of statistics on the progress of education, the supervision of the accounts of railroads, the investigation of labor troubles, and collection of statistics thereon. The Secretary of the Interior has also charge of the mining interests of the government, of the census of the United States, and of the receiving and arranging of printed journals of Congress, and other books printed and purchased for the use of the government.

**The Postmaster-General.**—He has the supervision of all the post offices of the country, their names, establishment and discontinuance of postoffices, the modes of carrying the mail, the issue of stamps, the receipt of the revenue of the office, and all other matters connected with the management and transportation of the mails. The duties of the head of this department have now a scope that would amaze the ghost of the first official appointed, could he be permitted to re-visit the scenes of his earthly labors.

**The Attorney-General.**—The Attorney-General is required

to act as attorney for the United States in all suits in the Supreme Court; he is also the legal adviser of the President and the heads of departments, and of the Solicitor of the Treasury. He is further charged with the superintendence of all United States district attorneys and marshals, with the examination of all applications to the President for pardons, and with the transfer of all land purchased by the United States for government buildings, etc. The name "Department of Justice," by which this division of the Cabinet is now largely known, was given to it in 1870

**The Secretary of Agriculture.**—This department, which prior to 1889 belonged to the Interior Department, collects and gives useful information on agriculture. From it, new and valuable seeds and plants can be had; for it is the duty of the Secretary to cultivate them and furnish them to the farmers upon application. He also investigates the diseases of plants and animals, makes analysis of soils, minerals, liquids, and fertilizers, and prepares reports on the same, which are distributed in all parts of the country. In 1891, the Weather Bureau was transferred to the Agricultural Department from the War Department.

**The Vice-President.**—This officer is chosen at the same time and in the same manner as the President, except that when the Presidential electors fail to choose a Vice-President, that duty devolves upon the Senate. The choice must then be made from the two candidates having the highest numbers of votes cast by the Electoral College. Richard M. Johnson, elected in February, 1837, is the only Vice-President that has been chosen by the Senate. The qualifications and term of office are the same as those of the President, but the only duty the

Vice-President is called upon to perform is to preside over the Senate, unless the President cannot, for any cause, perform the duties of his office.

## THE JUDICIAL DEPARTMENT.

### SUPREME COURT.

**Organization.**—The judicial power of the United States is vested in a Supreme Court and such inferior courts as Congress may establish. Judges of the United States courts are appointed by the President with the advice and consent of the Senate, and they all hold their office during life or good behavior. They may retire upon a pension, at the age of seventy or over, after having served continuously for ten years. The Supreme Court holds annual sessions in the Capitol at Washington, commencing on the second Monday in October. The court, at present, consists of a chief justice and eight associate justices, any six of whom constitute a quorum for the transaction of business. The decision of a quorum stands as the decision of the court, although very often the dissenting views of a minority are published.

**Jurisdiction.**—In any suit at law relating to ambassadors, other public ministers, and consuls, and in those in which a State is a party, the Supreme Court has original jurisdiction. It decides cases appealed from the decision of the judges of the inferior courts of the United States, as well as of certain State courts. Any law of Congress or State legislature, if in violation of the provisions of the Constitution of the United States, is unconstitutional, and, if so decided by the Supreme Court of the United States, is null and void.

## INFERIOR COURTS.

**Names.**—The inferior courts established by Congress are the Circuit, Appellate, District, and Territorial courts, the Court of the District of Columbia, the Court of Claims, and the Consular Courts.

**Circuit Court.**—The Circuit Court of the United States has jurisdiction over certain civil cases in which a State or an alien is a party, or in certain cases when suit is brought by a citizen of one State against a citizen of another. For the purpose of properly dividing the work of this court, the states are divided into nine circuits, each having two or three judges. One judge of the United States Supreme Court is assigned to each circuit, and it is his duty to hold at least one term of the Circuit Court in his circuit, once in every two years, at each of the regular places of meeting of that court.

**Appellate Court.**—So many cases are appealed to the Supreme Court that it is apt to get several years behind in its business. To decide some of these cases, and thus relieve the higher court, an Appellate Court was provided for each of the nine circuits.

**District Court.**—The District Court has jurisdiction over criminal offences against the federal laws, as well as over many civil cases. There are now sixty-four districts.

**Territorial Courts.**—A Territory has a Supreme Court, with three judges appointed by the President, and generally three district courts, presided over by one of its Supreme Court judges. There are also courts in some counties; they are presided over by the judge of the district in which the county is located.

**Court of the District of Columbia.**—The court of the District of Columbia exercises jurisdiction over civil and

criminal matters within the District. It consists of six judges, appointed by the President.

**The Court of Claims.**—The Court of Claims holds its sessions in Washington and has the power to decide what claims against the United States shall be paid. It reports to Congress, which, if the claim is found correct, orders it paid.

**Consular Courts.**—The Consular Courts, held by our consuls in foreign countries, have jurisdiction of trivial cases arising between Americans and foreigners in their business transactions.

#### MISCELLANEOUS PROVISIONS.

**Privileges of Citizens.**—The citizens of each State are entitled to all the privileges of citizens of the other States. The term *citizen* as here used makes citizenship in the State depend upon citizenship in the United States. In the fourteenth amendment to the Constitution of the United States, citizenship is defined in the following language: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Citizenship and suffrage are often confused. The former is determined by the statement above quoted; the latter is conferred upon certain classes enumerated in the Constitution of each of the several States; thus, in some States women vote, in others not; and in some, aliens having declared to become citizens, vote, in others not.

**Naturalization.**—To become a citizen, an alien must declare upon oath, before a United States or a State Court, at least two years before his naturalization, that he intends to become a citizen and to renounce his allegiance



to his own country, and to any title of nobility, should he have one. If he has complied with this requirement and has been a resident within the United States for at least five years, and one year within the State or Territory in which he applies for citizenship, he receives his naturalization papers, provided he has been a person of good moral character while in this country and loyal to the Constitution. A minor who has resided in the United States three years immediately before becoming of age, may, after arriving at his majority and after having been a resident five years, including the three years of his minority, become a citizen, if he makes oath that it has been his intention for two years to become a citizen. The children of persons who have been duly naturalized, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof. The children of persons who now are or have been citizens of the United States, are, though born out of the limits and jurisdiction of the United States, considered as citizens thereof. The naturalization of Chinamen is expressly prohibited by a law of 1882.

**Requisition.**—A person who has committed a crime in one State and fled to another, may, if captured, be given up for trial to officers from the State in which the crime was committed. The demand for the delivery of the criminal for trial, is made by the Governor of the State in which the crime was committed, and is addressed to the Governor of the State in which the criminal is found. This demand is called a requisition.

**New States.**—When Congress began its work under the Constitution, only eleven States had given their assent to the new form of government. North Carolina and Rhode

Island ratified the Constitution soon after, and other States have been admitted from time to time, until in 1895 there are forty-four in all. It is provided by the Constitution that no new State shall be formed within the jurisdiction of any other State. Notwithstanding this provision, the forty-eight counties in western Virginia that remained loyal during the Rebellion, were organized as the State of West Virginia, in 1863. It was claimed that Virginia having placed itself outside of the Constitution by the act of secession, the only legislative body within the State was that at Wheeling, which consented to the organization of the new State, and that the provision of the Constitution above referred to had therefore been complied with. No new State can be formed from two or more States without the consent of the legislatures of all the States concerned, as well as of Congress.

**Method of Admission.**—It is usual for Congress to pass an enabling act, authorizing the people of the Territory in question to frame and adopt a constitution, and providing for the admission of the State by proclamation of the President, when the conditions named in the enabling act are complied with.

**Territories.**—Congress has power to make rules for the government of the Territories. A Territorial government has been provided for each of the Territories, including Alaska. Each Territory has the privilege to elect a delegate to Congress for a term of two years. These delegates receive the same compensation as the regular members, but while they are permitted to take part in debates relating to the Territories they represent, they have no vote.

Congress also has the power to dispose of the public

domain and of such other property as may come into the possession of the government. It exercises control over the District of Columbia, in which Washington, the capital of the United States, is located.

**State Government.**—Each State is guaranteed a republican form of government by the Constitution, and the United States must protect each of the States against invasion or insurrection.

**Amendments.**—The Constitution provides two methods for its own amendment. By the first method, Congress by a two-thirds vote of both houses, proposes the amendment to the legislature of each State, or to a convention called in each of the States, for the purpose of ratifying or rejecting the proposed amendment. The assent of three-fourths of all the States is necessary for the adoption of an amendment. By the second method, the amendment may be requested by the legislatures of two-thirds of all the States, and Congress must then submit the amendment the same as in the first instance.

More than seven hundred amendments to the Constitution have been proposed in Congress, but thus far only fifteen have been adopted, all of which have been submitted to the State legislatures for ratification. The first eleven were adopted during Washington's administration, and they secure to the people some of their dearest rights. Among these are religious freedom, freedom of speech and of the press, and the right to petition the government for a redress of grievances. They also provide for the protection of the rights of the people, and for trial by jury in criminal cases. The tenth amendment provides that all powers not delegated to the general government, nor prohibited by it to the States, are reserved to the States, or to the people.

The twelfth amendment changed the manner of electing the President and Vice-President. The thirteenth abolished slavery and involuntary servitude except as a punishment for crime. The fourteenth defines citizenship, and forbids the States to deprive any person of life, liberty, or property, without due process of law, or to deny to any person within its jurisdiction the full protection of the law.

The fifteenth amendment asserts that the right of citizens to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.

**ANALYTICAL REVIEW.**—What was the first bond of the Union? What was the second step taken towards the formation of our government? The third step? Wherein were The Articles of Confederation defective? What led to the call for the Constitutional convention? How did the Constitution become binding? Why should a Senator have been a citizen longer than a Representative? Why should a President be a native-born citizen, while other officers are not? Why should the Vice-President not preside when a President is impeached? How are vacancies in the Senate filled? in the House? in the White House? Why should a Senator's term be three times as long as a Representative's? Why was it provided that the House can impeach but not try civil officers? Explain "ratio of apportionment," and "Congressman-at-large." Why has the Vice-President no vote? What makes the speaker of the House the second officer in power? Why is there a difference in filling vacancies in the Senate and in the House? Why should the House alone originate revenue bills? Define direct tax. Why is indirect taxation preferred? Explain internal revenue. How does the President inform the people of the condition of the country? Why has the Senate power to reject or approve the President's appointments? What advantages and disadvantages are in re-electing a President? Explain Electoral College. Give entire number in it, and the number in Pennsylvania. Why are office holders prohibited from serving as Presidential electors? Explain how a man votes for President and Vice-President. What is a divided Electoral College? State how the electors proceed to elect a President,

also how the votes are counted and how Congress elects in case the electors fail to do so. Is the Cabinet a Constitutional provision? Which is the most important portfolio in the Cabinet? Which departments were originally one? Which does the most business? Which controls the weather bureau? The light house service? The Indian affairs? The pension bureau? The Congressional proceedings? The pardon of convicts? How is a Vice-President elected, if the electors fail to elect? Why should Supreme Court judges hold office during good behavior and not for a term of years? Under what circumstances can a case under a State law be appealed to the United States Supreme Court? What cases are tried in the District Courts? How many of these courts are there? How many in Pennsylvania? Where is a citizen tried if he commits an offense in the District of Columbia? In Alaska? In Germany? What is a citizen? Can States naturalize foreigners? How do children of foreigners become naturalized? Can a foreigner vote before he is naturalized? What is a requisition? How was it claimed that the Constitution had been complied with, when West Virginia was formed in Virginia? Why cannot a Territory be finally admitted as a State before it has adopted a Constitution? How are the Territories governed? How is an amendment to the Constitution made? Which are the "war amendments?"

## CHAPTER IX.

**COMMON THINGS NOT COMMONLY UNDERSTOOD.**

**Acknowledgment** is the declaration, before a competent officer, by one who has executed any instrument in writing, which by the laws of Pennsylvania may be recorded, that the instrument so executed is his act and deed, and that he desires it to be recorded as such. Deeds of conveyance, by which the title to real estate is transferred, and mortgages are the most common instruments acknowledged, but all written instruments which are designed to be recorded must be acknowledged, except in cases in which another method of proof is provided by law. Acknowledgments may be taken by the judges of the Supreme Court, the judges of the courts of common pleas, justices of the peace, notaries public, and other officers designated by law. Deeds of conveyance made jointly by husband and wife must be acknowledged by the wife separate and apart from the husband.

**Administrator** is a person appointed by the register of wills of the proper county to settle the estate of one who has died intestate, or of one who has died testate, but who has failed to appoint an executor, or who has appointed an executor who has died, or declined to act, or has been removed by the court.

**Attainder** is the stain or corruption of blood of a criminal capitally condemned. It is the immediate and inseparable consequence, by the common law, of sentence of death, or of outlawry for a capital offence. Its conse-

quences are forfeiture of property and corruption of blood. The Constitution forbids bills of attainder to be passed, and limits the effect of attainder resulting from judicial sentence so that it cannot work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. Attainder is not now a part of the punishment of any crime in Pennsylvania.

**Bail**, in criminal cases, is the delivery of a person charged with the commission of a crime or misdemeanor to his sureties, upon their giving, together with himself, sufficient security for his appearance to answer the charges against him, or to comply with the orders of the court; he being supposed to continue in their friendly custody instead of going to jail. In Pennsylvania all prisoners are bailable, unless for capital offences, when the proof is evident or the presumption great.

**Bailliwick** is the district over which a sheriff has jurisdiction.

**Bond** is a sealed obligation to pay money, either absolutely or conditionally.

**Caucus** is the meeting of the members of a political party to make nominations or to consider party measures.

**Chancery** is a court that tries cases for which the common law does not provide a remedy, but which must be settled in equity. In Pennsylvania the courts of law are also the courts of chancery or equity. Cases of trust and confidence are tried in this court.

**Charter** is a grant made by the State either to the whole people or to a portion of them, giving them certain rights.

**Citizen** is a person, native or naturalized, male or female, who is entitled to full protection in the so-called private rights, as expressed in the "Declaration of Rights" in the Constitution of our State.

**Civil Officers** are the public officers, except those of the army and navy. The term *civil* is opposed to *military*, in this connection.

**Civil Rights** are the natural rights of men, women and children; for example, the right to personal security.

**Contempt** of court is a violation of its rules and orders.

**Contract** is an agreement, upon a sufficient consideration, to do or not to do a particular thing.

**Corporation** is an artificial person, consisting of one or more natural persons, acting in many respects as an individual, created by law for certain specific purposes, with the capacity of succession, either limited or perpetual, and with other special privileges not possessed by individuals.

**Court Martial** is a court of criminal jurisdiction organized to try and punish offenders against the rules and regulations of the army and navy. It may consist of any number of officers from five to thirteen, inclusive, but shall not consist of less than thirteen when that number can be convened without manifest injury to the service.

**Cryer** is an officer in a court whose duty it is to make the proclamations ordered by the court.

**Declaration of Rights** is Article I. of the Constitution of Pennsylvania. As expressed in the Declaration of Independence, the principal rights are "life, liberty, and the pursuit of happiness."

**Deed** is a writing sealed and delivered by the parties.

**De facto**, i. e., in deed; a term denoting a thing actually done. An officer *de facto* is one actually holding a position, whether he is entitled to it or not.

**De jure**, i. e., by right; a term denoting the right of anything to be or to be done. An officer *de jure* is one having the right to a position, whether he holds it or not.



**Defaulter** is one who is deficient in his accounts.

**Deposition** is the testimony of a witness reduced to writing. It cannot be taken in criminal cases without the consent of the defendant.

**Docket** is a formal record of judicial proceedings, kept by the officers of the courts.

**Dower** is the right of a woman in a third part of all the real estate of her deceased husband.

**Duress** is constraint, either by imprisonment or by threats of violence, which induces a well grounded fear of loss of life or limb, whereby a person is compelled to execute a deed, sign a contract, or the like, or commit an offense. A deed or contract executed under duress cannot be enforced, and many offenses are excused if committed under duress.

**Electors** are the voting citizens.

**Embezzlement** is the fraudulent appropriation to one's own use of the money or goods of another, intrusted to his care.

**Eminent Domain** is the right of the sovereign power in a state, or of a corporation to which that right has been delegated, to take private property for any public purpose, upon just compensation to the owner.

**Ex Post Facto Law** is a law which makes an act done before the passing of the law, and which was innocent when done, criminal, which aggravates the crime or makes it greater than when it was committed, which changes the punishment and inflicts a greater punishment than the law annexed to the offense when committed, which alters the legal rules of evidence or receives less or different testimony than the law required, at the time of the commission of the offense, to convict the offender.

**Execution** is the carrying into effect of the final judgment of a court. Writs of execution issued by the courts are carried out by the sheriff; those issued by the justices of the peace, by the constable.

**Executor** is a person that is named by the maker of a will to carry out its provisions.

**Felony** is an offense which at common law occasioned the forfeiture of goods or lands, or both, to which capital or other punishment was added according to the degree of guilt. In Pennsylvania the term is applied to such offenses as were felonies at common law and to such offenses as are denominated felonies by the statute providing for their punishment.

**Franchise** is a privilege vested in individuals by the government, most commonly applied to the privilege of voting and the special rights of corporations.

**Frank** is the privilege of sending and receiving letters free of postage. For instance, postmasters need not stamp their official letters.

**Guardian** is a person appointed by the Orphan's Court of the county in which a child resides to take charge of the person or estate of such child, or of both its person and estate, during its minority; also, the person to whom a father by his last will devises the custody of his child or children during minority.

**Habeas Corpus** is the great remedial writ of the English law in all cases of illegal confinement. It commands the person detaining another to produce the body of the prisoner with the day and cause of his arrest and detention, to do, submit to and receive whatsoever the judge of the court awarding the writ shall consider in that behalf. In Pennsylvania a writ of *habeas corpus* may be issued by

any judge of the Supreme Court, the president or any associate judge of the Court of Common Pleas, or any judge of the Court of Quarter Sessions of the County of Philadelphia.

**Hard Labor** is, in connection with imprisonment in the penitentiary, a punishment frequently inflicted upon persons convicted of certain offenses. It implies no more than ordinary industry at some mechanical trade.

**High Seas** signifies the unenclosed waters of the ocean on the sea coast, which are without the boundaries of low water mark.

**Impanel**, to write the names of a jury on a schedule.

**Impeachment** is a formal accusation brought against a civil officer. Under the Constitution of the United States the President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. Under the Constitution of Pennsylvania the Governor and all civil officers are liable to impeachment for any misdemeanor in office. The sole power of impeachment is in the House of Representatives, and the power to try impeachments is in the Senate. The concurrence of two-thirds of the members present is necessary to a conviction. Municipal officers are liable to impeachment in the manner provided by law.

**Incumbrance** is whatever charges, burdens, obstructs, or impairs the use of an estate in land, or prevents or impairs its transfer.

**Indictment** is a written accusation of one or more persons of a crime or misdemeanor, preferred to and presented upon oath by a grand jury.

**Injunction** is a judicial process, operating *in personam*, and requiring the person to whom it is directed to do or refrain from doing some particular thing.

“**Jeopardy of Life or Limb**” was originally used with reference to the danger of the combatants in trial by battle. A person is in legal jeopardy when put upon trial before a court of competent jurisdiction, under an indictment or information sufficient in form and substance to sustain a conviction, and a jury has been charged with his deliverance, that is, empanelled and sworn. Both the Constitution of the United States and of the State of Pennsylvania provide that a person shall not be twice put in jeopardy of life or limb for the same offense. In Pennsylvania this provision applies only to capital cases.

**Judgment** is the sentence of the law pronounced by the court upon the matter contained in the record. The term is commonly applied to the amount of debt or damages recovered in a suit at law before a court and jury, or before a court alone, or before a justice of the peace or alderman in a case within their jurisdiction. Such judgment, when properly entered on record in the prothonotary's office, becomes a lien upon the real estate of the person against whom it is rendered. A debtor may voluntarily confess a judgment to his creditor for an amount acknowledged to be due, and this, when entered in the prothonotary's office, also becomes a lien upon his land.

**Law, Common**, is a collection of maxims and customs of higher antiquity than memory or history can reach.

**Law, Statute**, is the written law made by the law-making power—the legislature

**Letters Testamentary** or **Letters of Administration** are respectively the authority given by the register of wills to

an executor or to an administrator, by which the latter takes charge of the estate which he is to settle.

**Libel** is a malicious defamation of any person, made public by printing, writing, signs or pictures, in order to provoke him to wrath, or expose him to public hatred, contempt or ridicule.

**Major** is one who has arrived at the age of twenty-one.

**Mandamus** is the emphatic word in the Latin form of the writ of that name. A writ of mandamus is a command issuing from a court of competent jurisdiction, in the name of the state or sovereign, directed to some inferior court, officer, corporation or person, requiring them to do some particular thing therein specified, and which appertains to their office or duty. In Pennsylvania the writ issues in the name of the Commonwealth.

**Minor** is a person under twenty-one.

**Misdemeanor** is a term usually applied to minor offenses.

**Mortgage** is a pledge of real estate by a debtor to his creditor as security for a debt.

**Naturalization** is the act of making an alien a citizen of the United States.

**Nolle Prosequi** is a record entry that the prosecutor does not care to proceed further in the particular case. In Pennsylvania no district attorney shall in any criminal case enter a nolle prosequi, either before or after bill found, without the assent of the proper court in writing first had and obtained.

**Non compos mentis** signifies not of sound mind, memory, or understanding.

**Oath** is a solemn calling on God to witness the truth of what is said, to tell the truth, the whole truth, and nothing but the truth.

**Perjury** is a crime committed when a lawful oath is administered in some judicial proceeding, to a person who swears wilfully, absolutely and falsely in a matter material to the issue or point in question. The law takes no notice of any perjury not committed before a court of justice or officer having the power to administer an oath.

**Personal Property** is all movable chattels and things thereunto incident; property that may attend a man's person wherever he goes.

**Presentment** is an accusation by a grand jury made from their own knowledge against a person, without an indictment being laid before them; thus, a presentment may be made of a nuisance in a public building.

**Prima Facie** means on the face of it or as it appears first; as, the holder of a check endorsed in blank is *prima facie* its owner.

**Proxy** is a person appointed in place of another to represent him; as, stockholders can vote by proxy at the election of directors.

**Quo Warranto**, in England, is a writ in the nature of a writ of right for the King, against him who claims or usurps any office, franchise or liberty, to inquire by what authority he supports his claim in order to determine the right. In Pennsylvania the writ issues in the name of the Commonwealth.

**Quorum** is the number of persons in any organized body required to do business. When a body consists of a definite number of members, a majority constitutes a quorum, unless the law prescribes another number.

3 **Real Property** consists of such things as are permanent, fixed, and immovable; as land, tenements and hereditaments of all kinds.

**Rule of Court** is an order made by a court of record. Rules of Court are of two kinds: special orders, made in particular cases, and standing orders, made by the court to regulate its general practice.

**Seal** is an impression upon wax, wafer, etc. In Pennsylvania a circular, oval, or square mark, containing the word *seal* in it and placed opposite the name of the signer, has the same effect as a seal, namely, to make the document authentic.

**Search Warrant** is a written authority from a court or magistrate for the examination of a designated house or place for articles alleged to be concealed there contrary to law, frequently for stolen property. Both the Constitution of the United States and the Constitution of the State of Pennsylvania forbid unreasonable searches and seizures, and no warrant to search any place or to seize any person or thing shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

**Sine die**—without a day for the reassembling of a body or for the appearance of a defendant. When a legislature adjourns at the end of a session, it adjourns *sine die*; that is, without naming a date for meeting again.

**Sinking Fund** is a sum of money set apart by a government or a corporation for the redemption of its debts.

**Subpoena** is a writ requiring a person to appear at a certain time or place, or in default to pay a penalty or undergo a punishment. In courts of common law it is a process for bringing witnesses into court to obtain their testimony.

**Suffrage** is the act of voting.

**Sumptuary Laws** relate to personal expenses in eating and drinking and clothing. We have none in this coun-

try; such matters are left to every man's own judgment.

**Surety** is a person who engages to be answerable for the debt, default or miscarriage of another.

**True Bill** is endorsed on a bill of indictment in case the grand jury finds enough evidence to put the accused on trial.

**Viva Voce** means with the voice. *Viva voce* voting is opposed to voting by ballot.

**Waiver** is a voluntary relinquishment of a right; as, a person arrested may waive a hearing.

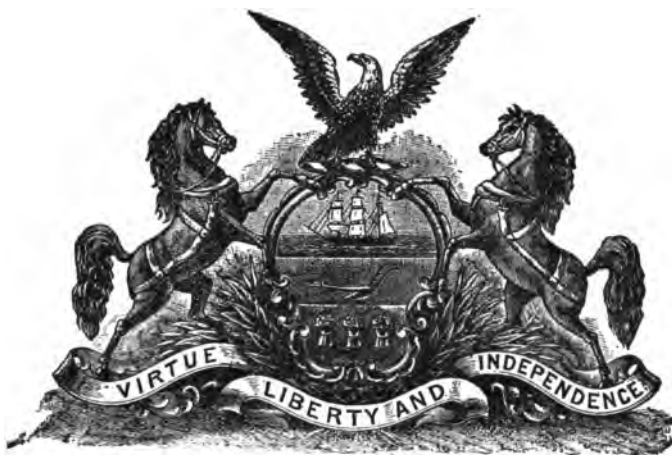
**Writ of Error** is a commission by which the judges of a superior court are authorized to examine a record of a court of inferior jurisdiction upon which a judgment was given, and upon such examination to affirm or reverse the same, according to law.

**Yeas and Nays** is the name applied to the list of members of a legislative body voting respectively in the affirmative and negative of a question.

**ANALYTICAL REVIEW.**—Before what officials may deeds be acknowledged? What is the difference between an administrator and an executor? Can the estate of a traitor be forever forfeited? Why is bail not allowed in cases of murder? Why should a treasurer give a bond? What is a court of equity? Are females citizens? Is a foreigner who intends to become a citizen entitled to the rights of citizenship? What kind of officer is a sheriff? a captain? What kind of right is it to have the privilege of sitting in a public park? What is the name of the offense when a juror refuses to serve? In what kind of court is a soldier tried if he commits an offense? What are the principal rights of a citizen? What is a deponent? If a man is made to sign a promissory note by imprisonment, what is the legal term applied? Can an act done yesterday be made an offense to-day, by passing a law to that effect? What kind of crime is murder or arson? What is the



elective franchise? How would you get out of jail if you were illegally confined? Does the high sea border on Pennsylvania? Who impeached President Johnson? Who indicts criminals? How would you stop a telegraph company from erecting an unsightly pole on the pavement in front of your house? How often can a man be tried for the same offense? What is a judgment? Where is it recorded? What is the difference between common and statute law? Has a newspaper the right to say bad things that are true about a man in private life? In what way is a mortgage an incumbrance on real estate? Is grain in the field personal or real property? Who issues search warrants? Who executes them? What kind of law would a law prescribing the cut of a garment be? If a court makes an error, how is it corrected? What is meant by "waiving a hearing?"



**PENNSYLVANIA COAT OF ARMS.**

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**THE SEAL OF THE STATE OF PENNSYLVANIA**



**OBVERSE.**



**REVERSE.**



# CONSTITUTION OF PENNSYLVANIA.

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## PREAMBLE.

WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

## ARTICLE I.

### DECLARATION OF RIGHTS.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare that

SEC. 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

SEC. 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper.

SEC. 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

SEC. 4. No person who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

SEC. 5. Elections shall be free and equal; and no power,

civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

SEC. 7. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature, or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court, as in other cases.

SEC. 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation, subscribed to by the affiant.

SEC. 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

SEC. 10. No person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

SEC. 11. All courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

SEC. 12. No power of suspending laws shall be exercised unless by the Legislature, or by its authority.

SEC. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SEC. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

SEC. 15. No commission of oyer or terminer or jail delivery shall be issued.

SEC. 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

SEC. 17. No *ex post facto* law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

SEC. 18. No person shall be attainted of treason or felony by the Legislature.

SEC. 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

SEC. 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

SEC. 21. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

SEC. 22. No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

SEC. 24. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behavior.

SEC. 25. Emigration from the State shall not be prohibited.

SEC. 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

## ARTICLE II.

## THE LEGISLATURE.

SEC. 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

SEC. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

SEC. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years.

SEC. 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

SEC. 5. Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States, or of this State), and shall reside in their respective districts during their terms of service.

SEC. 6. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress, or other person holding any office (except of attorney-at-law or in the militia), under the United States, or this Commonwealth, shall be a member of either House during his continuance in office.

SEC. 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

SEC. 8. The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term.

SEC. 9. The Senate shall, at the beginning and close of each

regular session, and at such other times as may be necessary, elect one of its members President *pro tempore*, who shall perform the duties of the Lieutenant Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

SEC. 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 11. Each House shall have power to determine the rules of its proceedings, and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, or offers of bribes or private solicitation, and with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

SEC. 12. Each House shall keep a journal of its proceedings, and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

SEC. 13. The sessions of each House, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 15. The members of the General Assembly shall in all cases except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 16. The State shall be divided into fifty Senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-



fifths and exceeding one-half a ratio ; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough, or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

SEC. 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by two hundred. Every county containing less than five ratios shall have one Representative for every full ratio, and an additional Representative when the surplus exceeds half a ratio ; but each county shall have at least one Representative. Every county containing five ratios or more shall have one Representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the Representatives allotted to the county in which it is located. Every city entitled to more than four Representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory, each district to elect its proportion of Representatives according to its population, but no district shall elect more than four Representatives.

SEC. 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts, agreeably to the provisions of the two next preceding sections.

## **ARTICLE III.**

### **LEGISLATION.**

SEC. 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

SEC. 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

SEC. 3. No bills, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

SEC. 4. Every bill shall be read at length on three different days, in each House ; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the

persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

SEC. 5. No amendments to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

SEC. 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted, and published at length.

SEC. 7. The General Assembly shall not pass any local or special law authorizing the creation, extension, or impairing of liens; regulating the affairs of counties, cities, townships, wards, boroughs, or school districts; changing the names of persons or places; changing the venue in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town plats, streets, or alleys; relating to cemeteries, grave-yards, or public grounds not of the State; authorizing the adoption or legitimation of children; locating or changing county seats; erecting new counties, or changing county lines; incorporating cities, towns, or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the place of voting; granting divorces; erecting new townships or boroughs; changing township lines, borough limits, or school districts; creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election, or school districts; changing the law of descent or succession; regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate; regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates, or constables; regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes; fixing the rate of interest; affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment; remitting fines, penalties and forfeitures, or refunding

moneys legally paid into the treasury; exempting property from taxation; regulating labor, trade, mining or manufacturing; creating corporations, or amending, renewing, or extending the charters thereof; granting to any corporation, association, or individual, any special or exclusive privilege or immunity, or to any corporation, association, or individual, the right to lay down a railroad track; nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed; nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

SEC. 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed.

SEC. 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

SEC. 10. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House; and no payment shall be made from the State Treasury, or be in any way authorized, to any person, except to an acting officer or employé elected or appointed in pursuance of law.

SEC. 11. No bill shall be passed giving any extra compensation to any public officer, servant, employé, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

SEC. 12. All stationery, printing paper, and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts; and all such contracts shall

be subject to the approval of the Governor, Auditor General and State Treasurer.

SEC. 13. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

SEC. 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

SEC. 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 16. No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

SEC. 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

SEC. 18. No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes to any person or community, nor to any denominational or sectarian institution, corporation, or association.

SEC. 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriations shall be applied exclusively to the support of such widows and orphans.

SEC. 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise, or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

SEC. 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

SEC. 22. No act of the General Assembly shall authorize

the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided, saving investments heretofore made.

SEC. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

SEC. 24. No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

SEC. 25. When the General Assembly shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

SEC. 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, (except on the question of adjournment,) shall be presented to the Governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity, but any county or municipality may appoint such officers when authorized by law.

SEC. 28. No law changing the location of the capital of the State shall be valid, until the same shall have been submitted to the qualified electors of the Commonwealth at a general election, and ratified and approved by them.

SEC. 29. A member of the General Assembly who shall solicit, demand, or receive or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value, or enjoyment, or of personal advantage, or promise thereof, for his vote, or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be, in any way, influenced thereby, or who shall solicit, or demand any such money, or other advantage, matter, or thing aforesaid for another, as the consideration of his vote or official influence or for withholding the same, or shall give, or withhold his vote or influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law.

SEC. 30. Any person who shall, directly or indirectly, offer, give, or promise, any money or thing of value, testimonial,

privilege or personal advantage to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 31. The offense of corrupt solicitation of members of the General Assembly, or of public officers of the State, or of any municipal division thereof, and any occupation, or practice of solicitation, of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SEC. 32. Any person may be compelled to testify in any lawful investigation, or judicial proceeding, against any person, who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.

SEC. 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

## ARTICLE IV.

### THE EXECUTIVE.

SEC. 1. The executive department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs, and a Superintendent of Public Instruction.

SEC. 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both

**Houses.** Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such a manner as shall be directed by law.

**SEC. 3.** The Governor shall hold his office during four years, from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

**SEC. 4.** A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate, but shall have no vote unless they be equally divided.

**SEC. 5.** No person shall be eligible to the office of Governor or Lieutenant Governor, except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

**SEC. 6.** No member of Congress, or person holding an office under the United States or this State, shall exercise the office of Governor or Lieutenant Governor.

**SEC. 7.** The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

**SEC. 8.** He shall nominate, and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs, or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case the election for said office shall be at the second succeeding general election. In acting on executive nominations the Senate shall sit with open doors, and in confirming or rejecting the nomi-

nations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

SEC. 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentences and pardons, except in cases of impeachment; but no pardon shall be granted nor sentence commuted, except upon the recommendation, in writing, of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session; and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

SEC. 10. He may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SEC. 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

SEC. 12. He may on extraordinary occasions, convene the General Assembly; and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

SEC. 13. In case of the death, conviction or impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

SEC. 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President *pro tempore* of the Senate; and the President *pro tempore* of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

SEC. 15. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it; but if he shall not approve he shall return it, with his objections, to the House in which it shall have originated, which House shall enter the objections at large upon their journal and proceed to reconsider it. If, after such re-consideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections, to the other House, by



which likewise it shall be re-considered, and if approved by two-thirds of all the members elected to that House, it shall be a law ; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return ; in which case it shall be a law, unless he shall file the same with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

SEC. 16. The Governor shall have power to disapprove of any item or items of any bill making appropriation of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SEC. 17. The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor or Lieutenant Governor, and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

SEC. 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required, lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

SEC. 19. The Secretary of Internal Affairs shall exercise all the powers, and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

SEC. 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

SEC. 21. The term of the Secretary of Internal Affairs shall

be four years; of the Auditor General, three years; and of the State Treasurer, two years. These officers shall be chosen by the qualified electors of the State at general elections. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms.

SEC. 22. The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal, and signed by the Governor.

## ARTICLE V.

### THE JUDICIARY.

SEC. 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the General Assembly may from time to time establish.

SEC. 2. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

SEC. 3. The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of *habeas corpus*, of *mandamus* to courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, *certiorari*, or writ of error, in all cases, as is now or may hereafter be provided by law.

SEC. 4. Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; not more than four counties shall at any time, be included in one judicial district organized for said courts.

SEC. 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall

be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

SEC. 6. In the counties of Philadelphia and Allegheny all the jurisdiction and powers now vested in the district courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be, in Philadelphia, vested in four and in Allegheny in two, distinct and separate courts of equal and coordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three, and number four, and in Allegheny as the court of common pleas number one and number two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia, all suits shall be instituted in the said courts of common pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court; and each court to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny each court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue, as may be provided by law.

SEC. 7. For Philadelphia there shall be one prothonotary's office and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket, which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

SEC. 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn, detail one or more of their judges to hold the courts of oyer and

terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

SEC. 9. Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and of the orphan's court, and within their respective districts, shall be justices of the peace as to criminal matters.

SEC. 10. The judges of the courts of common pleas, within their respective counties, shall have power to issue writs of *certiorari* to justices of the peace, and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

SEC. 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen, shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen, without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district, for one year next preceding his election. In cities containing over fifty thousand inhabitants not more than one alderman shall be elected in each ward or district.

SEC. 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be five years, and they shall be elected on general ticket by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of aldermen is abolished.

SEC. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

SEC. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate or court not of record, either party may appeal to such court of record, as may be prescribed by law, upon allowance of the appellate court, or judge thereof, upon cause shown.

SEC. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the quali-

fied electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

SEC. 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service, each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

SEC. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

SEC. 18. The judges of the Supreme Court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall, at stated times, receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees or perquisites of office, for their services from any source, nor hold any other office of profit under the United States, this State, or any other State.

SEC. 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges during their continuance in office shall reside within the districts for which they shall be respectively elected.

SEC. 20. The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

SEC. 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof except such as are judicial; nor shall any of the judges exercise any power of appointment except as herein provided. The court of *nisi prius* is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the Supreme Court shall be established.

SEC. 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts, and thereupon the jurisdiction of the judges of the court of common pleas within such county,

in orphans' court proceedings, shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court, shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' courts shall possess all the powers and jurisdiction of a registers' court, and separate registers' courts are hereby abolished.

SEC. 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

SEC. 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused, after conviction and sentence, may remove the indictment, record, and all proceedings to the Supreme Court for review.

SEC. 25. Any vacancy happening by death, resignation, or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

SEC. 26. All laws relating to courts shall be general, and of uniform operations, and the organization, jurisdiction, and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.

SEC. 27. The parties by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error, as in other cases.

## ARTICLE VI.

### IMPEACHMENT AND REMOVAL FROM OFFICE.

SEC. 1. The House of Representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath

or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor, and all other civil officers, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

SEC. 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office, or of any infamous crime. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Governor, members of the General Assembly, and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

## ARTICLE VII.

### OATH OF OFFICE.

SEC. 1. Senators and Representatives, and all judicial State, and county officers, shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation :

"I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any moneys or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to

take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court or of a court of common pleas, learned in the law, in the hall of the House to which the members shall be elected.

## ARTICLE VIII.

### SUFFRAGE AND ELECTIONS.

SEC. 1. Every male citizen twenty-one years of age possessing the following qualifications shall be entitled to vote at all elections : *First.* He shall have been a citizen of the United States at least one month. *Second.* He shall have resided in the State one year (or if, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election. *Third.* He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election. *Fourth.* If twenty-two years of age or upwards he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

SEC. 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto.

SEC. 3. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.

SEC. 4. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket, or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

SEC. 5. Electors shall in all cases, except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections, and going to and returning therefrom.

SEC. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a



requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are, or shall be, prescribed by law, as fully as if they were present at their usual places of election.

SEC. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

SEC. 8. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

SEC. 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SEC. 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

SEC. 11. Townships and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of quarter sessions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

SEC. 12. All elections by persons in a representative capacity shall be *viva voce*.

SEC. 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence,

or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor-house or other asylum at public expense, nor while confined in public prison.

SEC. 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of court of record, or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

SEC. 15. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held, an office, appointment, or employment in or under the government of the United States or of this State, or of any city or county, or of any municipal board, commission, or trust in any city, save only justices of the peace, and aldermen, notaries public, and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local officers, below the grade of city or county officers, as shall be designated by general law.

SEC. 16. The courts of common pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers, and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election districts, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties. Whenever the members of an election board shall differ in opinion, the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election, all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

SEC. 17. The trial and determination of contested elections of electors of President and Vice President, members of the General Assembly, and of all public officers, whether State,

judicial, municipal, or local, shall be by the courts of law, or by one or more of the law judges thereof, the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial, and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

## ARTICLE IX.

### TAXATION AND FINANCE.

SEC. 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of a purely public charity.

SEC. 2. All laws exempting property from taxation, other than the property above enumerated, shall be void.

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

SEC. 4. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

SEC. 5. All laws authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified, and no other.

SEC. 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint-owner or stockholder in any company, association or corporation.

SEC. 7. The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

SEC. 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or

increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

SEC. 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

SEC. 10. Any county, township, school district or other municipality, incurring any indebtedness, shall, at or before the time of so doing, provide for the collection of an annual tax, sufficient to pay the interest, and also the principal thereof within thirty years.

SEC. 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works, or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes, or other revenues of the State, not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

SEC. 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States, or of this State.

SEC. 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published, showing the amount of such moneys, where the same are deposited and how secured.

SEC. 14. The making of profit out of the public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor, and shall be punished as may be provided by law, but part of such punishment shall be dis-

qualification to hold office for a period of not less than five years.

## ARTICLE X.

### EDUCATION.

SEC. 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth, above the age of six years, may be educated, and shall appropriate at least one million dollars each year for that purpose.

SEC. 2. No money raised for the support of the public schools of the Commonwealth, shall be appropriated to, or used for, the support of any sectarian school.

SEC. 3. Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State.

## ARTICLE XI.

### MILITIA.

SEC. 1. The freemen of this Commonwealth shall be armed, organized and disciplined for its defense, when, and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia, by appropriations from the Treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

## ARTICLE XII.

### PUBLIC OFFICERS.

SEC. 1. All officers, whose election is not provided for in this Constitution, shall be elected or appointed, as may be directed by law.

SEC. 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

SEC. 3. Any person who shall fight a duel, or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

## ARTICLE XIII.

## NEW COUNTIES.

SEC. 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants, nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

## ARTICLE XIV.

## COUNTY OFFICERS.

SEC. 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

SEC. 2. County officers shall be elected at the general elections, and shall hold their offices for the term of three years beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law.

SEC. 3. No person shall be appointed to any office within any county, who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

SEC. 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors, and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

SEC. 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

SEC. 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough of-

ficers, as well as for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

SEC. 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five and every third year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

## ARTICLE XV.

### CITIES AND CITY CHARTERS.

SEC. 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

SEC. 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

SEC. 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

## ARTICLE XVI.

### PRIVATE CORPORATIONS.

SEC. 1. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SEC. 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals: and the exercise of the police

power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SEC. 5. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

SEC. 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

SEC. 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after sixty days notice given in pursuance of law.

SEC. 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury, according to the course of the common law.

SEC. 9. Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

SEC. 10. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever, in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

SEC. 11. No corporate body to possess banking and dis-



counting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

SEC. 12. Any association or corporation, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company owning a competing line or acquire, by purchase or otherwise, any other competing line of telegraph.

SEC. 13. The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations having any of the powers, or privileges of corporations, not possessed by individuals or partnerships.

## ARTICLE XVII.

### RAILROADS AND CANALS.

SEC. 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross, any other railroad; and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

SEC. 2. Every railroad and canal corporation organized in this State, shall maintain an office therein, where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed, or paid in, and by whom, the names of the owners of its stock, and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

SEC. 3. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within this State, or coming

from or going to any other State. Persons and property transported over any railroad, shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction, to any more distant station; but excursion and commutation tickets may be issued at special rates.

SEC. 4. No railroad, canal or other corporation, or the lessees, purchasers, or managers of any railroad or canal corporation, shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works, or franchises of, or in any way control any other railroad or canal corporation, owning, or having under its control, a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation, owning, or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

SEC. 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

SEC. 6. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

SEC. 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise, and no railroad or canal company, or any lessee, manager, or employé thereof, shall make any preferences in furnishing cars or motive power.

SEC. 8. No railroad, railway, or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employés of the company.

SEC. 9. No street passenger railway shall be constructed within the limits of any city, borough or township, without the consent of its local authorities.

SEC. 10. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special

laws, except on condition of complete acceptance of all the provisions of this article.

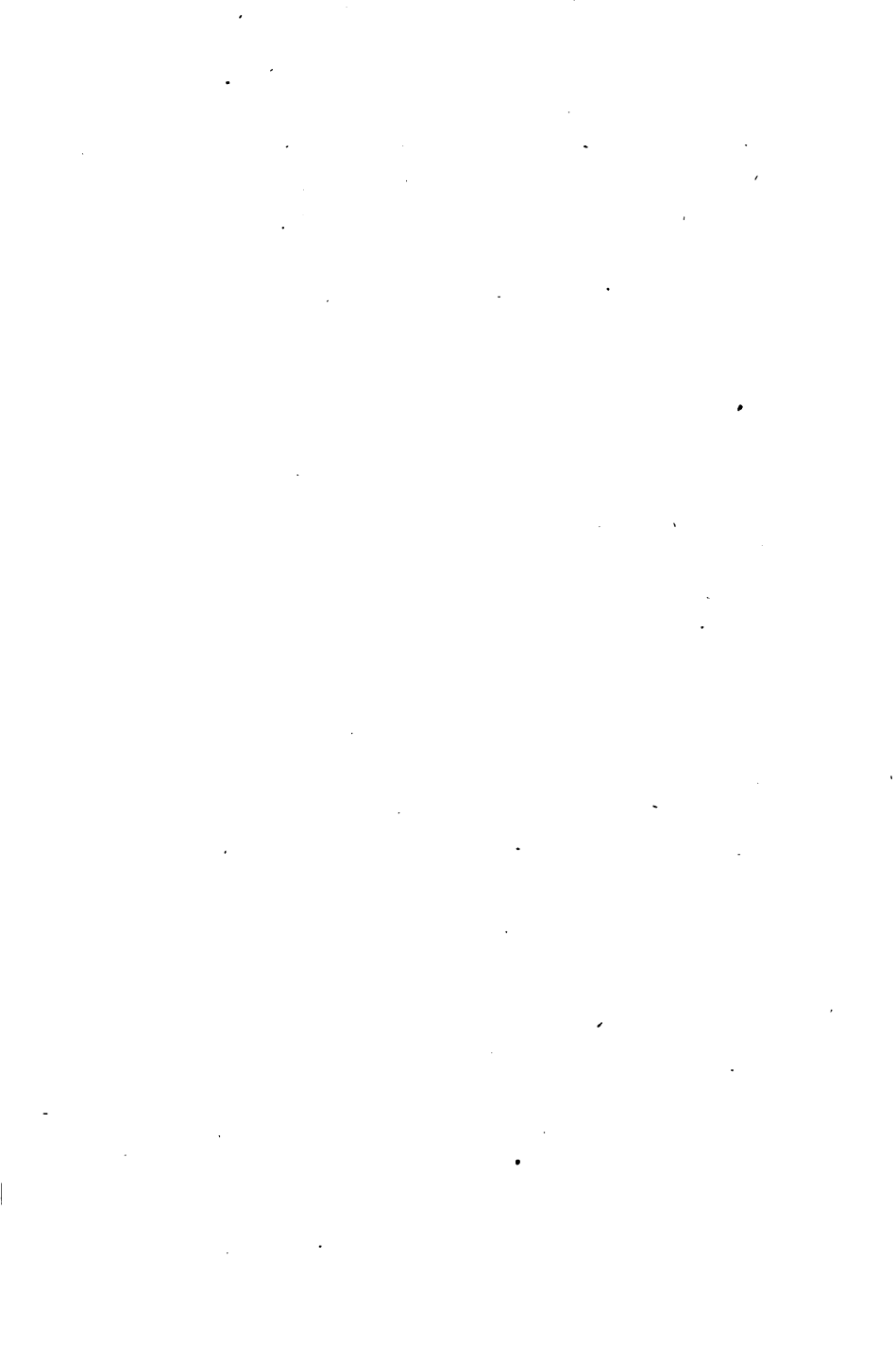
SEC. 11. The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

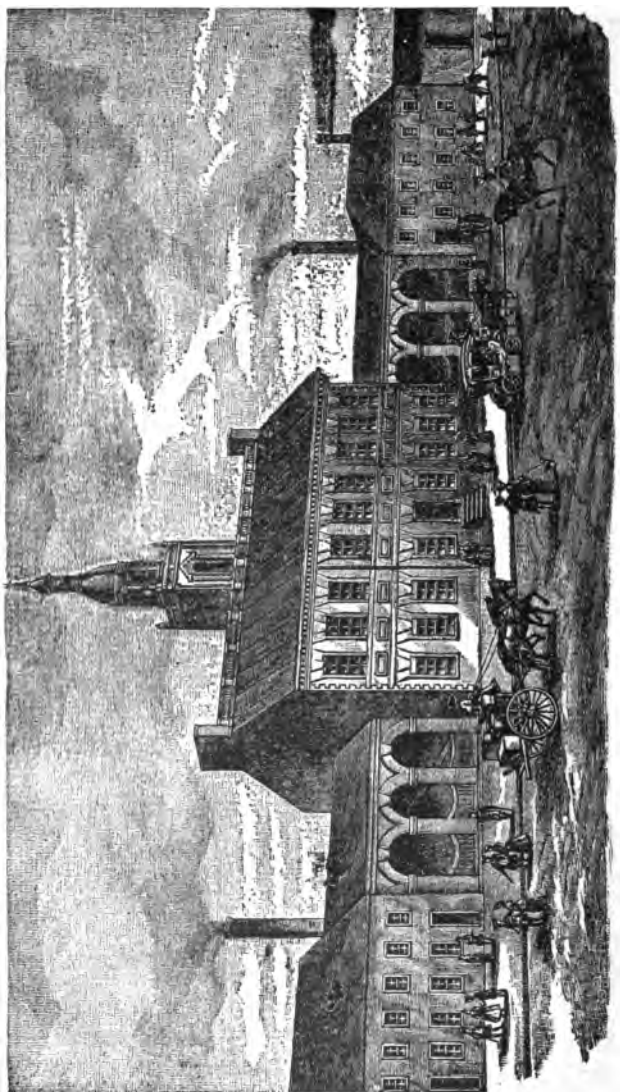
SEC. 12. The General Assembly shall enforce by appropriate legislation the provisions of this article.

## ARTICLE XVIII.

### FUTURE AMENDMENTS.

SEC. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner and at such time, at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.





**INDEPENDENCE HALL, PHILADELPHIA.**  
As it appeared in 1776.

# Constitution of the United States.

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## PREAMBLE.

"We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

## ARTICLE I.

SEC. 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative: and until such enumeration shall be

made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker, and other officers; and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief-Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. 4. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time,

by law, make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objection at large on their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be re-



considered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each house respectively. If any bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

To provide for organizing, arming and disciplining the militia and for governing such part of them as may be employed in the

service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex-post-facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be ab-

olutely necessary for executing its inspection laws; and the net produce of all duties and impost, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships-of-war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II.

**SEC. 1.** The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows :

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding any office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall, in like manner, choose the President. But in choosing the president, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President ; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President ; and such officer shall act accordingly until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation :—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices ; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law : but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall from time to time give to the Congress in-

formation of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.

SEC. 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more States;—between a State and citizens of another State;—between citizens of different States;—between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

#### ARTICLE IV.

SEC. 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

#### ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and

purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress ; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article ; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

## ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof ; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in conventions, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,  
*President, and Deputy from Virginia.*

NEW HAMPSHIRE.

JOHN LANGDON,  
NICHOLAS GILMAN.

MASSACHUSETTS.

NATHANIEL GORHAM,  
RUFUS KING.

CONNECTICUT.

WILLIAM SAMUEL JOHNSON,  
ROGER SHERMAN.

NEW YORK.

ALEXANDER HAMILTON.

NEW JERSEY.

WILLIAM LIVINGSTON,  
DAVID BREARLEY,  
WILLIAM PATERSON,  
JONATHAN DAYTON.

PENNSYLVANIA.

BENJAMIN FRANKLIN,  
THOMAS MIFFLIN,  
ROBERT MORRIS,  
GEORGE CLYMER,  
THOMAS FITZSIMONS,  
JARED INGERSOLL,  
JAMES WILSON,  
GOUVERNEUR MORRIS.

*Attest:*

DELAWARE.

GEORGE READ,  
GUNNING BEDFORD, JR.,  
JOHN DICKINSON,  
RICHARD BASSETT,  
JACOB BROOM.

MARYLAND.

JAMES M'HENRY,  
DANIEL OF ST. THOMAS  
JENIFER.  
DANIEL CARROLL.

VIRGINIA.

JOHN BLAIR,  
JAMES MADISON, JR.

NORTH CAROLINA.

WILLIAM BLOUNT,  
RICHARD DOBBS SPAIGHT,  
HUGH WILLIAMSON.

SOUTH CAROLINA.

JOHN RUTLEDGE,  
CHARLES C. PINCKNEY,  
CHARLES PINCKNEY,  
PIERCE BUTLER.

GEORGIA.

WILLIAM FEW,  
ABRAHAM BALDWIN.

WILLIAM JACKSON, *Secretary.*

AMENDMENTS.

ARTICLE I.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

ARTICLE II.—A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.—No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.—The right of the people to be secure in their



persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V.—No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war and public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor to be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of common law.

ARTICLE VIII.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.—The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against any of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.—The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each,

which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the Senate;—the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.—*Section 1.* Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

*Section 2.* Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.—*Section 1.* All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

*Section 2.* Representatives shall be appointed among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive or judicial

officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

*Section 3.* No person shall be a senator or representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house remove such disability.

*Section 4.* The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

*Section 5.* Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.—*Section 1.* The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

*Section 2.* Congress shall have power to enforce this article by appropriate legislation.

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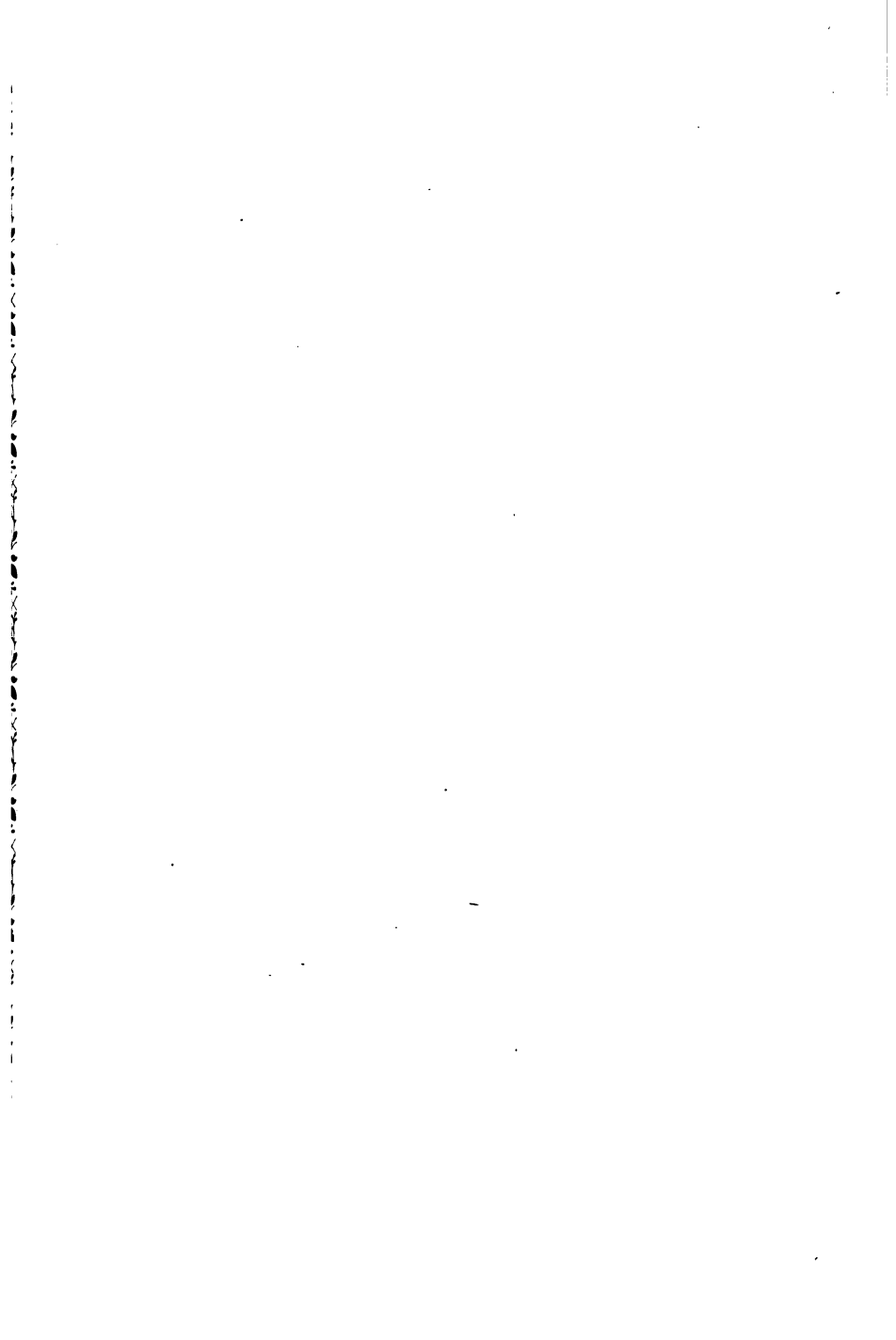
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